# Parliamentary Debates

VOL. XLI.

THE

# Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST PERIOD TO THE YEAR 1803."

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PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

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VOL. XLI.

COMPRISING THE PERIOD

FROM

THE TWENTY-THIRD DAY OF NOVEMBER, 1819.

TO

THE TWENTY-EIGHTH DAY OF FEBRUARY,

1820.

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1820.

*THE present Volume of the Parliamentary Debates brings down the Proceedings of both Houses to the Dissolution which took place in February* 1820, *in consequence of the Death of King George the Third.*

*The Volume containing the Proceedings of the First Parliament of his present Majesty King George the Fourth is in the Press; and, at the suggestion of numerous Subscribers, it is intended, with the New Reign, to commence a* NEW SERIES *of this Work.*

*** *The Editor is also preparing for the Press, to be comprised in Two Volumes:*

*I. A GENERAL INDEX to the Parliamentary History of England, from the earliest Period to the Year* 1803 *: and*

*II. A GENERAL INDEX to the Parliamentary Debates from the Year* 1803, *to the Accession of* GEORGE THE FOURTH, *in* 1820.

*The two Volumes will form a complete Parliamentary Dictionary, or ready Book of Reference to every subject of importance that has, at any time, come before Parliament. The great utility of such a Work, not only to Members of the two Houses, but to every Lawyer and Politician, must be self-evident. As many gentlemen, who have not been regular Subscribers to the two Works, may nevertheless be desirous of possessing a General Index to the Political History of their Country, such gentlemen are requested to send in their names to the publishers; as only a very limited number of Copies, beyond the usual impression, will be printed.*

JULY, 1820.

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PARLIAMENTARY

THE

# Parliamentary Debates

During the Second Session of the Sixth Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Twenty-third Day of November 1819, in the Sixtieth Year of the Reign of His Majesty King GEORGE the Third.

[*Sess.* 1819-20.

## HOUSE OF LORDS.

*Tuesday, November 23, 1819.*

THE PRINCE REGENT'S SPEECH ON OPENING THE SESSION.] This day, at two o'clock, his Royal Highness the Prince Regent came down in the usual state, and, being seated on the Throne, his Royal Highness opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen;

"It is with great concern that I am again obliged to announce to you the continuance of his Majesty's lamented indisposition.

"I regret to have been under the necessity of calling you together at this period of the year; but the seditious practices so long prevalent in some of the manufacturing districts of the country have been continued with increased activity since you were last assembled in parliament.

"They have led to proceedings incompatible with the public tranquillity, and with the peaceful habits of the industrious classes of the community; and a spirit is now fully manifested, utterly hostile to the constitution of this kingdom, and aiming not only at the change of those political institutions which have hitherto constituted the pride and security of this country, but at the subversion of the rights of property and of all order in society.

"I have given directions that the necessary information on this subject shall be laid before you; and I feel it to be my indispensable duty, to press on your immediate attention the consideration of such measures as may be requisite for the counteraction and suppression of a system which, if not effectually checked, must bring confusion and ruin on the nation.

"Gentlemen of the House of Commons;

"The estimates for the ensuing year will be laid before you.

"The necessity of affording protection to the lives and property of his Majesty's loyal subjects has compelled me to make some addition to our military force; but I have no doubt you will be of opinion that the arrangements for this purpose have been effected in the manner likely to be the least burthensome to the country.

"Although the revenue has undergone some fluctuation since the close of the last session of parliament, I have the satisfaction of being able to inform you, that it appears to be again in a course of progressive improvement.

"Some depression still continues to exist in certain branches of our manufac-

ures, and I deeply lament the distress which is in consequence felt by those who more immediately depend upon them; but this depression is in a great measure to be ascribed to the embarrassed situation of other countries, and I earnestly hope that it will be found to be of a temporary nature.

"My Lords and Gentlemen;

"I continue to receive from foreign powers the strongest assurances of their friendly disposition towards this country.

"It is my most anxious wish, that advantage should be taken of this season of peace to secure and advance our internal prosperity; but the successful prosecution of this object must essentially depend on the preservation of domestic tranquillity.

"Upon the loyalty of the great body of the people I have the most confident reliance; but it will require your utmost vigilance and exertion, collectively and individually, to check the dissemination of the doctrines of treason and impiety, and to impress upon the minds of all classes of his Majesty's subjects, that it is from the cultivation of the principles of religion, and from a just subordination to lawful authority, that we can alone expect the continuance of that Divine favour and protection which have hitherto been so signally experienced in this kingdom."

His Royal Highness then withdrew, and the House adjourned till 5 o'clock.

ADDRESS ON THE PRINCE REGENT'S SPEECH AT THE OPENING OF THE SESSION.] The Prince Regent's Speech having been again read by the Lord Chancellor, and also by the clerk at the table,

Earl *Manvers* rose to move an address to his Royal Highness, in answer to the most gracious speech which had then been read. He hoped he might be permitted to observe, that he had never before had the honour of addressing their lordships, and that he felt himself unable adequately to discharge the important duty which he had undertaken. He found it necessary, therefore, to appeal to that indulgence which their lordships usually granted to persons placed in situations similar to that in which he stood. In the sorrow which his Royal Highness expressed on account of his majesty's continued indisposition, their lordships must all partake. His Royal Highness next adverted to the causes which had induced him to convene parliament at this early period, and recommended it to their lordships, to direct their early attention to the adoption of such measures as might be necessary to suppress those seditious meetings which had been prevalent for some time back. That the country was in a situation of extreme danger, he believed few of their lordships would deny; and though he did not anticipate the precise nature of the measures which it was intended to propose, he hoped they would prove sufficiently energetic to meet the exigencies of the case. He was aware that much had been said out of that House, and that much would be said within its walls, respecting the rights of the people; but their lordships must be cautious, lest, whilst they were protecting the liberty of the subject, they should compromise the security, of the state. He was aware that in abstaining from offering any remarks on the other subjects adverted to in the speech of his Royal Highness, he left a wide field untouched; but he did so with the less regret, as he felt assured that ample justice would be done to those topics by the noble lord who was to follow him. The noble lord concluded by moving an address, which was an echo to the speech from the throne, and similar to that moved in the House of Commons.

Lord *Churchill* rose to second the address of his noble friend, of which he said he highly approved. His lordship spoke for some time, but in a tone of voice inaudible below the bar. He came forward, he said, as an independent peer of parliament, to give his feeble but honest support to the government of his royal highness the Prince Regent at a crisis like the present, which was undoubtedly one of great difficulty and danger.

Earl *Grey* rose. He said, that had he not been aware of the state of the country, the speech from the throne, the address which had been moved in reply to it, and the language used by the noble lord who moved, and the noble lord who seconded that address, would be sufficient to convince him that parliament had never as-

sembled at a more important crisis, or when there were greater difficulties and dangers to be overcome. He did not, however, think the line of policy pointed out in the speech from the throne, and recommended by the two noble lords, was such as ought to be adopted in the present situation of the country; or that the reasons urged in support of the address, ought to induce the House to concur in it without the fullest information. He had attended with the greatest care to every thing that had been stated in that House and elsewhere respecting the situation of the country. He had heard strong observations on the progress of sedition and treason, and on the necessity of adopting measures of coercion calculated to avert the danger which threatened the country. But he had as yet heard no recommendation to avert the danger, by relieving the people from some part of the heavy burthens which oppressed them. Neither of the noble lords had recommended that course which was best calculated to remove the cause of the existing discontents. It was by conciliation, by a reduction of the enormous public expenditure which weighed down the country, and by a system of timely reform and economy, that the threatened danger should be met: for such a system would in its result speedily suppress all the seditious practices referred to in the address, or in the speeches of the noble mover and seconder. Having said thus much in the way of general objection to the line of policy which had been recommended to their lordships, he had now to observe, that neither the noble lord who moved the address, nor the noble lord who seconded it, had described the dangers and difficulties of the country in stronger colours than he was disposed to view them. It was not with respect to the situation of the country that he was inclined to differ from them, but with respect to the causes which had produced it. It was the continued operation of those causes which was the great subject of alarm. The internal situation of the country was most afflicting, and even its external was not in his opinion perfectly satisfactory. The speech from the throne, it was true, stated, that his royal highness the Prince Regent continued to receive from foreign powers the strongest assurances of their friendly disposition towards this country; but even with respect to that part of our situation, his confidence was far from being so great as many might suppose the assurances alluded to in the speech ought to produce. But, into the consideration of our external affairs, when circumstances so much more pressing at home called for immediate attention, he should not enter. The internal situation of the country was the primary object for their lordships deliberation, and to that subject he should now address himself. He had no desire to dispute the difficulties which the situation of the country presented, or to palliate any improper proceedings to which those difficulties might have given birth; though he was not prepared to admit the extent to which it was alleged those proceedings had been carried. He must, however, acknowledge, that the discontent of the country must be very general, and the danger great, if, as asserted in the speech from the throne, a spirit was manifested utterly hostile to the constitution of the kingdom, and aiming at the change of those political institutions which had hitherto constituted the pride and security of the country. Some extraordinary circumstances must have occurred, before any considerable portion of the people of England ceased to respect those institutions which were heretofore their pride. The danger in such a state of things must doubtless be great; but if their lordships were satisfied that the danger was rightly described, the next object of their consideration must be the causes which had led to it. The causes, he was confident, were to be found in that system of policy which he had already condemned—that system which refused to look at the danger which was most pressing and present, and which neglected to make those provisions by which it could alone be effectually averted. To one part of the noble mover's speech he had no objection, namely, that in which he urged the necessity of resisting plans of innovation, tending to the subversion of the constitution and the state of society. No noble lord could be more inclined than he was to oppose the plans of those persons who were endeavouring to lead the people to their ruin—men who, if not all equally criminal, some perhaps acted from ignorance or zeal, while others might expect to attain distinction by introducing confusion into the country; but they were all equally mischievous in their proceedings. To the plans of innovations alluded to he felt the necessity of opposing the

most decided resistance. On this point there could be no difference of opinion among their lordships. But while opposing one danger, let care be taken that another was not incurred. The existing laws were adequate to put down those men. Their lordships ought therefore to consider well what might be proposed to them, lest in curing one evil the constitution was exposed to a much greater. The noble lord who moved the address, had, in the course of his speech, warned the House not to let an anxiety for the security of liberty lead to a compromise of the safety of the state. He, for his part, could not separate those things. The safety of the state could only be found in the protection of the liberties of the people. Whatever was destructive of the latter, also destroyed the former. If, therefore, the noble lord hoped that by taking from the liberties of the country he would be giving more security to the state, he had greatly mistaken the way to accomplish the end he had in view, and would, by any measure destructive of liberty, only more speedily incur that danger against which he wished to provide. In supporting the authority of the government, their lordships, he hoped, would not so far lose sight of the principles of the constitution as to sanction any precedent hostile to public liberty, and therefore injurious to the safety of the state. The history of this country furnished sufficient proofs of the danger of such innovations. What would become of that constitution which had always been the boast of the country, if the liberty of the subject were extinguished?

The discontent existing in the country had been insisted on as a ground for the adoption of some measures. He must again observe, that where discontent generally prevailed there must be much distress; but there was another axiom no less true—that there never was an extensive discontent without great misgovernment. It was seldom found that a people, and, least of all, that a people such as that of England, manifested dislike or hostility towards a just and protecting government. Was not the change stated to have taken place in the sentiments and feelings of the people to be chiefly attributed to distress? If, then, this distress produced irregularity of conduct, was it not right when all the vigour of the law was exerted, to make a distinction between those who instigated such proceedings—between those who were misled, and those who mislead? If it was requisite to punish the one party, it was not less so to relieve the other. The people ought to be taught to look to parliament with a confident expectation that their complaints would be heard, and protection afforded to them. Was it a wise, a safe, or a humane policy, to be always looking with a harsh and severe front towards the people—always ready to punish, but slow to give redress? He had inferred, that the presumption of mal-administration in government was strong when a general discontent prevailed in a country; and he would only ask their lordships to look back to what had happened in the course of the two last sessions, in confirmation of that opinion. He remembered, that two years ago, when their lordships had under consideration a subject similar to the present, a noble friend of his, now sitting at the table (marquis Wellesley) quoting the opinion of lord Bacon observed, that "the surest way to prevent seditions is, to take away the matter of them." Speaking in the spirit of lord Bacon, his noble friend recommended the taking away "the matter of sedition" by the reduction of every part of the public expenditure which could be spared, and more particularly by the reduction of that great and unnecessary military expenditure which bore so heavily on the country. Had the recommendation of his noble friend been attended to? No. Parliament had paid no attention either to the recommendation of his noble friend, or to the wishes of the people on this subject. Instead of reducing, had not the burthens of the people been rather increased? Profusion was obstinately maintained, as if the continuance of every abuse were necessary to the safety of the state; and at the very time when every relief was refused, severe laws were passed, and the great bulwark of the liberty of the country removed. This was the way in which parliament had unhappily proceeded. Last session, however, commenced in a way which gave reason to hope, that the House of Commons, whatever objection might be made to the manner in which it was constituted, would defend the interests of the people, and adopt measures for their relief; but the hopes which the commencement of the session afforded were soon dashed, and severely disappointed. Not only was no efficient measure of reduction adopted, but additions were made to the expendi-

ture which no public principle justified. He had, in vain, opposed some of those measures which had proved most injurious both to the character of parliament, and to that of the family on the throne. After this denial of justice—for to refuse a relief so necessary to the country was a denial of justice—the session was closed, in a manner most insulting to the distress of the people, by the imposition of three million of new taxes. When their lordships reflected on what had been done, how could they be surprised at the growth of discontent? When no attention was paid to the calls of the people for relief, when their petitions were rejected, and their sufferings aggravated, was it wonderful that at last public discontents should assume a formidable aspect?

The state of the manufacturing districts was alluded to in the speech from the throne. It was well known that in Glasgow, in Manchester, and in the West Riding of Yorkshire, the greatest distress prevailed. Was it such as could be called a mere partial depression? Certainly not, for those districts were filled with a starving population. In the midst of so much distress, could it be matter of surprise that opportunity was afforded to some men to propagate opinions which were less dangerous to the government than to those who received them? Several public meetings had been held in different parts of the country: one for the mischievous, and, he might say, insane purpose—not of petitioning for radical reform, which, notwithstanding that he more strongly than ever thought some reform necessary, appeared to him nothing less than radical subversion—of electing what was absurdly called a legislative attorney. A meeting of the same description was advertised to take place at Manchester; and he must here express his astonishment, that, in the speech from the throne, no notice whatever was taken of the events which had occurred in that town. The meeting at Manchester, ending as it did, was, he must say, by far the most important event that had occurred in the course of his political life. The purpose for which the meeting was first called being considered illegal, it was abandoned, and one was assembled for that object to which he had already alluded, and which, though most absurd and improper, he would not call illegal. But, God forbid he should desire to see the people of England deprived of the right of discussing that or any other political question. The meeting took place, and a scene ensued of a kind which no man could witness, or hear described, without the most painful emotions. The events of the 16th of August must call for a separate, a full, and a solemn inquiry; and he therefore should abstain from any particular details at present. Thus much, however, he might now be permitted to say—that there appeared *primâ facie* evidence against the magistrates of Manchester, of conduct for which it would be most difficult to find any justification. When an inquiry should take place, it would not be sufficient to prove even that the meeting was illegal. He was ready to allow, that the manner of calling such meetings in large towns, and the populace marching to the place of meeting in large bodies, and in military order, from places in the neighbourhood, were circumstances calculated to excite alarm—that such a proceeding was an abuse of the right of petitioning, which was the more to be deplored, inasmuch as the abuse afforded pretexts to those who might wish to abridge that right; but he was not prepared to go the length of calling the object of the meeting illegal, or to admit that the interposition of the magistrates could be justified. Be this, however, as it might, it would be necessary not only to prove that the meeting was illegal, but that the steps taken for its dispersion were also legal. He would refer to the noble lord on the woolsack, whether an attack on a meeting could be justified until every other mode of dispersing it had been tried. It was only in the extreme case of no other means being left to guard against violence on the part of the persons assembled, that force could be lawfully resorted to. If it could be shown that the Manchester magistrates had acted under an imperious necessity, then they would doubtless stand justified for their conduct before God and man: but if they could not prove that imperious necessity, then all the blood shed on the 16th of August must rest on their guilty heads, and parliament would become a party to the guilt, if a severe inquiry was not immediately instituted, and every means taken to wipe so foul a stain from the character of the country.

He was, however, willing to abstain from entering into the investigation of this matter, until ministers had time to lay regular information on the subject before parliament; but there were some other matters

connected with the transaction which had taken place at Manchester, on which he thought it necessary to say a few words. He could not avoid calling to their lordships' recollection, the letter addressed by the noble secretary of state to the chairman of the Manchester sessions. Much had been said on the impropriety of prejudging the question relative to the Manchester transactions; but, amongst all the surprising things to which those transactions had given birth, the most surprising was, to hear such an objection urged by those who advised the writing of that letter. The noble lords who supported the address were indignant at the question being prejudged. Where was this indignation when the noble secretary of state expressed his satisfaction at the measures which had been resorted to by the Manchester magistrates? Good God! Was not that prejudging the question? Next in order to this extraordinary proceeding, came the flippant and undignified answer given to the address of the common council of London. They were told that they were ignorant of what had occurred previous to the meeting, and of what had taken place at it; they were informed, that if any persons were injured or aggrieved, the courts of law were open to them; and it was intimated that to institute an extrajudicial inquiry, would be inconsistent with justice. Now, if the members of the common council were ignorant of what had taken place at the meeting, he should be glad to know what information ministers possessed when they advised the letter conveying to the Manchester magistrates the approbation of the Prince Regent. That letter was dated the 21st of August, and, allowing for the time necessary to send to his royal highness at Portsmouth, and to receive a return, it was plain that no sufficient information of what had passed could have been obtained. It was, then, a most extraordinary circumstance that the noble secretary of state should join in the indignation expressed at prejudging the question when he himself, without any inquiry, and without one expression of regret for the dreadful occurrences which had taken place, immediately advised his royal master to give the sanction of his approbation to a transaction of which he could know nothing, except what came from those very magistrates whose conduct was the subject of general reprobation. It would seem, that to ask for inquiry was, in the opinion of his majesty's ministers, to prejudge a question; but that to approve and applaud a transaction which on the face of it appeared culpable, was consistent with candour and justice! The transaction at Manchester was one which their lordships were bound to investigate with the greatest strictness: and if it should be even found that there were circumstances to justify the conduct of the magistrates, still the hurry of the noble secretary of state to make the Prince Regent express an approbation of that conduct was most blameable. What more could have been done had a great victory been gained over a foreign enemy? In the good times of the republic of Rome very different was the conduct of its government; for the senate never decreed a triumph to a general who had obtained a victory in civil war. It was not supposed that the shedding of the blood of their fellow-countrymen could ever be subject for exultation or thanks. He thought it would have been more consistent with the best feelings of the human heart, to have shown some hesitation on such an occasion, than to express satisfaction at the event which had occurred at Manchester, without one word of sympathy for the many sufferings of the people. But it was said, that the courts of law were open. He should wish to ask, whether it was not the duty of the privy council as well as of parliament, to inquire into such transactions. Was it not the practice of the privy council to inquire into cases of sedition and disturbance, to examine witnesses, and to order prosecutions? Upon what principle did they refrain proceeding in this way in the present case? On the same principle, it was their duty, as protectors of the public peace, to institute an inquiry into such a breach of the peace, whether the actors were mobs or magistrates, and to order prosecutions. The answer given to the address of the city of London was therefore inconsistent with that regard to justice, which in such a case ought to be strictly observed. It was possible that the meeting was illegal, and that there might be a necessity for the interference of the magistrates; but these were subjects into which the privy council ought to have inquired before the conduct of the magistrates was approved, and before it was tauntingly said, that the courts of law were open for the redress of those who had suffered injury. The calling on parliament to inquire had been objected to, but

it was well known that it was the duty of parliament to inquire and direct prosecutions in cases in which the courts of law were open. Committees of the House of Commons were often instituted for inquiry into offences, and on their recommendation prosecutions were ordered. He would state a case by way of illustration. Suppose a set of ministers, acting on a violent and unconstitutional system of police, should publish a proclamation, imposing a tax, of ship-money for instance, and that magistrates were found disposed to issue warrants for levying the tax by distress, this would be a case in which any person would have a right to bring an action for redress: the courts of law would be open; but would it on that account be less the duty of parliament to inquire? Would it be reasonable to say, that parliament ought not to institute an inquiry into so unconstitutional a proceeding, because the individual who had suffered injury could resort for redress to the ordinary tribunals of the country? But he would ask, how long it had been considered, that inquiries into proceedings of this nature were extra-judicial?—that inquiries into matters which might become the topics of discussion in courts of law, were inconsistent with the principles of public justice? They had heard of inquiries and reports, declaring evidence and stating facts; and not only declaring evidence and stating facts, but pronouncing opinions upon the authority of both Houses of Parliament; not upon subjects of trifling import, but in cases where the lives of individuals were at stake, and at the moment when those individuals were taking their trials upon charges of high treason. If inquiries were permitted on occasions of this nature, he would ask, upon what ground could they be denied on the recent occurrences? Such a denial he could not help thinking shocking to common sense, a violation of all feeling, and in direct contravention of public justice. What would be the consequence of this mode of proceeding, if the people were told that when offences were committed against the crown, inquiries should take place, reports should be made, and their lives endangered by such extra-judicial proceedings, while, if they were themselves injured by offences committed against them, their rights should not be protected by the same means? Such a course of conduct, in his opinion, would not only aggravate the nature of their complaints, but would be contrary to all former practices. Then, in this instance, they were shut out from obtaining redress in another way by the rejection of grand jurymen, and by a refusal of the magistrates to attend to their complaints. In this view of the case, how were they to obtain redress but through the medium of parliament? Was it possible, in such a state of things, by such a character of proceeding, that the discontents which now prevailed, could be allayed?

He had alluded to the address of the city of London. It was not necessary to say more on that subject; the feeling of those who voted that address was perfectly understood: all they desired was inquiry. He would now advert to the manner in which a noble friend of his (earl Fitzwilliam) had been treated, because he had thought it his duty to concur, or, if they would, to give his approbation to a requisition which was directed to the sheriff of the county of York, requesting him to call a meeting of the inhabitants of that highly respectable and independent county, to consider of the transactions which had taken place at Manchester, with a view to address the Prince Regent, and to call upon him to exercise his legal privilege in assembling parliament at as early a period as possible, for the purpose of instituting an inquiry into those transactions. Could there be an application of a more constitutional nature? Could there be an application to the Crown better suited to the circumstances of the country, or better calculated at that moment to allay the ferment and discontent to which the melancholy transactions at Manchester had given rise? It was impossible, in his apprehension, to have instituted a proceeding more admirably adapted to allay discontent. But what was the character of the proceeding itself? A meeting assembled, as large, as numerous, and as respectable in composition, as had ever assembled in that county. Were their proceedings tumultuous or disorderly? Were the speeches which were delivered by the individuals who attended the meeting calculated to inflame or to excite angry feelings? Were the resolutions in any degree such as would afford a construction or inference favourable to the designs of those who might be supposed enemies to the country, or in any way hostile to the laws and to the constitution? The fact was notoriously the reverse. The meet-

ing was as large, as numerous, and as respectable, as it was distinguished by orderly and peaceable behaviour. The speeches were characterised by fairness and moderation, while the resolutions studiously abstained from pronouncing any opinion whatever, farther than was necessary to state the ground of address; and yet for a proceeding dictated for so just and laudable a purpose, so happily devised for that purpose, and attended with such eminent success, was the lord-lieutenant of the West Riding of Yorkshire removed from a situation which he had long held, with so much advantage to himself, and with so much honour to the country. He never could forget the surprise with which this act of extraordinary violence was viewed by every man of every description, whatever might be his political opinions or prejudices, throughout the country. But to a man like earl Fitzwilliam, who had been distinguished by his constant support of the Crown on every trying difficulty—a man of high rank, extensive influence, and princely possessions—a man beloved and esteemed—a man so properly described in resolutions which had been lately passed, from his particular situation, as affording security to the government and firmness and confidence to the people; when such a man was peculiarly marked out and devoted, in a season of such difficulty as the present, what confidence could exist in the ministers by whom such conduct could be sanctioned, and what hope remained for the deluded people of this country? That for the exercise of a constitutional right—for having presumed to question the transactions at Manchester—he should have been thus removed, was indeed inexplicable. He was aware that it was the undoubted privilege of the Crown to appoint and dismiss from offices of this description; but he knew also that the prerogative and power which the Crown exercised might become the subject of representation or remonstrance from either that or the other House. Whether it might be expedient to adopt any step of this kind, was a matter for after consideration. At present he would only advert to the existence of their right, if the exercise of that right should be thought advisable. He would ask, however, whether it was not extremely dangerous that a power should exist, by which, if they presumed to deliver their sentiments in opposition to those of his majesty's ministers, they could be held up to public suspicion? And was it not extremely dangerous, at a period like the present, to place in such a situation such a man as earl Fitzwilliam? Was not such conduct calculated to increase disaffection in the country, and to produce additional hostility to the government? This observation was particularly applicable, when the House recollected the great manufacturing district over which the noble earl presided. What must be the effect in the minds of the people inhabiting that extensive county, when they found that, instead of affording them redress, the individual who had shown a disposition to inforce justice, and to support their rights, had been deprived of the situation which he held—had been treated as a person unworthy of further trust, and had been considered as one to whom the public security could no longer be confided? This was a lesson to persons holding similar situations; it was, in fact, neither more nor less than an intimation, that those who were not determined to support the measures of ministers, could no longer be considered as worthy of the confidence of the government, and would be turned out of any situation of trust or power which they might hold.

He had now adverted, first of all to the magistrates dispersing the people, or to the violence of those magistrates who had been acting in concert with the government: he had next called to the attention of their lordships the ready approbation, without any inquiry or examination, which his majesty's ministers had given to those acts: he had afterwards alluded to the answer which had been given to the city address; and finally to the punishment, or rather to the intended punishment (for he viewed it rather as an honour), of earl Fitzwilliam, for having presumed to listen to the voice, and to advocate the rights, of the people. The result of all these inquiries led him to the conclusion, that it was the determination of ministers to persevere in the measures which they had adopted, and to support that determination by a system of unqualified coercion. The next topic to which he should request their lordships' attention, was that part of the speech from the throne which referred to an addition of from 10,000 to 11,000 men to the regular troops of the country. He certainly had great doubts of the legality of this

addition to the regular army without the sanction of parliament; but he did not mean to say much on this part of the subject; neither was it his intention to dwell much on the state of distress in which the country was at present placed, or on the prudence of adding to their burdens an expense of at least from 200,000*l.* to 300,000*l.* He would simply observe, that this was another of that series of measures which had marked the progress of the existing government, and which was unaccompanied by a single measure of concession to keep down the spirit of discontent which so unhappily prevailed. He now wished their lordships to consider, to what end the conduct to which he had been alluding was likely to lead. Their lordships had some experience in that House two years ago, when restrictive laws were passed, and when the Habeas Corpus Act was suspended, of the effect which such measures were likely to produce. The same complaints were then made of the existence of disaffection and discontent, and the same means of resorting to force were suggested. Did those measures produce the effects which were promised? He would ask their lordships, if they at all recollected the history of that time, or examined the situation of the country which resulted from those proceedings, whether the effect was not directly the reverse of that which was anticipated? Where discontent prevailed, was it not infinitely aggravated? The grounds for those measures on coming to be enforced—he meant the march of spies and informers, who were employed by the executive ministers of the Crown—were themselves the instigators of mischief, were themselves the originators of plans of treason, and were themselves the primary cause of an unconstitutional attack upon the liberties of the people. The effect of these measures was, in his opinion, the cause of a great portion of the discontent which now prevailed. After all the experience which they had had, however, there was no attempt at conciliation, no concession to the people; nothing was alluded to but a resort to coercion, as the only remedy which could be adopted. He had seen, and seen with regret, the progress of this system. The natural consequence of such a system, when once begun, was, that it could not be stopped: discontents begot the necessity of force; the employment of force increased discontents: these would demand the exercise of new powers, till by degrees they would depart from all the principles of the constitution. This was the uniform course and progress of such measures; and all the evils which were to be apprehended from their adoption must be expected, unless the preventive wisdom of parliament was called in to correct and to restrain the views of ministers.

The noble earl next alluded to the military force which was raising in different parts of the country, and the attempts which were making to arm one part of the people against the other. It had been said, that a malignant spirit was abroad, but he did not believe that there was any foundation for the charge. If the inhabitants of Manchester exhibited a disposition to disaffection, he verily believed that that disposition might fairly be traced, on the one side to those Orange societies, which were patronized by government; and, on the other, by the party feelings of those who were suffering distress, for the relief of whose complaints no attempt was made, and who, in consequence, assumed all the violence of radical reformers, and felt anxious to destroy all those distinctions of rank by which the existence of society was supported. Such was the order of things which prevailed in Ireland previous to the rebellion, and which ended in the destruction of the independent legislature of that country. He knew not whether it was intended to adopt the same measures with regard to this country as had been adopted in Ireland, where the sword had been substituted for persuasion. The situation of the two countries was extremely different. In Ireland the state of distress was such, that it produced universal confusion: the danger was imminent; but it was suppressed by the power and interference of this country. If the discontents in this country existed to the same extent, and upon the same disparity of resistance, the consequences would be far different. Ireland had derived assistance from this country; but from Ireland we could expect no such advantage: on the contrary, it was to be apprehended that Ireland herself would be placed in a situation of danger. They had been told two years ago that Ireland was perfectly quiet. He remembered well an observation which was made on that occasion; it sunk deep in his recollection. He remembered the answer which was made by a noble marquis (Wellesley) to

that statement. The noble earl then quoted a passage from the speech to which he alluded, which, in substance, stated, that the quiet of Ireland was to be attributed to her endeavours to obtain a relief from her religious disabilities; but that if an opportunity offered, she would not hesitate to assert her independence, and to take advantage of any difficulties to which this country might be exposed. To obviate such an attempt, they could only look with confidence to a system of policy founded upon liberality and justice. He would put a case in the reverse: suppose the adoption of coercive laws—an addition to the army, and in fact the establishment of the reign of force and terror. Could this be depended upon? Could government rest with confidence upon the sword for security? It was impossible that a government of such a nature could exist in England. What would become of their manufactures? What would become of their credits; of their commerce; in fact, on what could they rest the stability of their resources without their constitution? Without that spirit which the knowledge of the advantages which they enjoyed under their constitution infused, all their energies would flag, and all their feelings by which their glory as a nation had been established would be utterly dissipated. He would put it to the test of the military experience of the noble duke who sat opposite (the duke of Wellington). He would ask him whether, in the moment of peril, any thing excited the superior qualities of the British soldier to the glorious feats by which he had been distinguished, but the sacred spirit of liberty which he derived from the constitution under which he had lived, and from the consciousness of the rights which that constitution preserved to him? If this principle, which was the great source of our prosperity, was destroyed, what would become of the boasted security of those laws and those measures of coercion which the language of ministers throughout had taught us to expect? Not alone would the various ranks of society be endangered, but the throne itself would be placed in jeopardy. The example of history had sufficiently proved, that there was no comparison between the security of a monarch who lived among a free people, enthroned in their affections, and him who, like the great emperor of Russia, looked alone for protection from the troops by which he was surrounded. It was with a view to establish this liberal principle, that he should move the amendment by which he should conclude. He was of opinion that the powers which existed under the law as it was constituted were sufficient for the preservation of the public peace; but if it could be shown that any new dangers, that any new circumstances, had arisen for which no provision had been made, and that notwithstanding all the diligence and active management of a good government, that government was in imminent peril, he was not prepared to say that, upon receiving such proof, he would not give his sanction to measures calculated to meet those unusual exigencies. But he must say, that his majesty's present ministers were the last persons to whom he would intrust the general interests of the state. He should grant them new powers, such as those to which he had alluded, with a degree of caution amounting to repugnance. It should, however, be their duty in the first instance, to institute a solemn inquiry into the circumstances which had attended the unfortunate transactions at Manchester on the 16th of August, and thereby convince the people of England that they were their true guardians, and sensibly alive to every thing in which their interests were involved. The noble earl concluded by moving an Amendment to the Address by adding at the end thereof the words,

"To assure his Royal Highness, that, called together at a season when unexampled distress and extraordinary agitation prevail in some of the most populous districts of the kingdom, we will immediately proceed to take into our most serious consideration the various matters contained in his Royal Highness's gracious speech from the throne.

"Humbly to express to his Royal Highness our reprobation of the attempts which have been made to persuade the suffering classes of the people to seek relief from their distress in schemes injurious to themselves, dangerous to the public quiet, and inconsistent with the security of the constitution, which it is our duty and determination to maintain against every species of encroachment and attack.

"To represent to his Royal Highness, that while we thus declare our determined resolution firmly to uphold the just authority of the laws, we feel that we are called upon by a sense of duty to conduct ourselves so as to satisfy the people that their

complaints will at all times receive from us that just attention, and their rights that ready protection, that is indispensable to their safety and freedom.

"That this seems to us more particularly necessary, in order to maintain that competence in the public institutions of the country, which constitutes the best safeguard of all law and government.

"That we have seen with deep regret the events which took place at Manchester on the 16th of August, and that, without pronouncing any opinion on the circumstances that occurred on that melancholy occasion, we feel that they will demand our earliest attention, in order to dissipate the alarm to which they have given birth; and by the result of a diligent and impartial inquiry, which may show that the measures then resorted to were the result of an urgent necessity, or that an important constitutional privilege cannot be violated, and the lives of his majesty's subjects sacrificed, with impunity."

Lord *Sidmouth* said, he was induced to solicit their lordships attention in consequence of the manner in which the noble earl who had just sat down had thought fit to allude to events involving great official responsibility — a responsibility which attached principally, if not exclusively, to himself. The noble earl had commenced his speech with an admission of the existence of present danger. Indeed, he did not believe there was an individual either in this or the other House of Parliament, or in the kingdom, who was not prepared to make the same concession. The noble earl had attributed those dangers to the neglect of parliament in the performance of its duties. How far that proposition was well founded, their lordships were perfectly competent to judge. It was within their lordships' recollection, that in the course of the last session of parliament military retrenchment had taken place to an extent which appeared to satisfy every individual calling for retrenchment. Another call which had been made on the House was for the abolition of sinecure places. In this, too, government had conceded to the supposed wishes of the country: whether those concessions had or had not been carried too far, was a question which events would probably demonstrate. With regard to the military retrenchment, those noble lords who had experience of the present state of the country, and who felt the insufficiency of the means which were afforded to support the civil magistrates, could best satisfy the House. It was not his intention to travel through all the parts of the noble earl's speech. The primary object was the internal state of the country; and to that, for the present, he should confine his observations. The internal state of the country it was that had determined the Prince Regent, by the advice of his ministers, to assemble parliament, for the purpose of laying before the two Houses such information as would present to them at one view a clear exposition of the state in which the country was placed. It would be for parliament to consider, upon reading this statement, and to say, whether some additional powers were not necessary for the preservation of the constitution, and whether the present laws were not too weak for that purpose. But the manner in which the noble earl had referred to the circumstances to which he had alluded, which he (lord Sidmouth) felt in his own mind to be immediately connected with his official character, induced him at once to apply himself to that subject. The transactions at Manchester on the 16th of August formed a prominent point of the noble lord's speech; and he would take upon himself to say, that there never was a transaction in which the public were interested, or respecting which they were solicitous, in which there had been so much misrepresentation, falsehood, and exaggeration as respecting the proceedings of that day. They had heard of the magistrates of Manchester as if they were merely magistrates of the town of Manchester, and as if they were the stipendiary magistrates of government. This was not a true representation of facts; the magistrates in question were appointed by the county, and commenced their duties in the beginning of July last. There were of them twelve in number, and their attentions were unremitting to preserve the public peace. They were none of them Manchester magistrates; they were men of the highest respectability in the county, who had associated themselves for the purpose of watching over the conduct of persons whose designs were but too evident to be mistaken. Two of them only were stipendiary magistrates; he alluded to Mr. Hay, who had been appointed by the quarter sessions; and to Mr. Norris, who had been appointed by the chancellor of the duchy of Lancaster, to whom he was only known by character. These individuals had been the objects

of much unfounded misrepresentation. He should have thought, from the policy of the system of government in this country, that the conduct of magistrates would not be condemned, at least without due deliberation, if not with great allowance, and that presumption would have been in their favour. They knew that in the first criminal court in the country, the court of King's-bench, the aberrations of magistrates, where they might have departed from the strict letter of the law, or acted from unintentional error, had always been treated with every possible indulgence. But, to place presumption aside, the danger by which those magistrates were surrounded on the day to which the noble lord alluded, was sufficient to justify every act which had been imputed to them. When they saw an immense assemblage of individuals, marching in military array, coming in large bodies from a distance, and declaring their object to be neither more nor less than the total subversion of the constitution or to perish; these persons carrying with them caps of liberty, pikes bearing the appearance of having been dipped in blood, and flags inscribed with the most seditious sentences; all, in his humble estimation, ought to have placed presumption on the side of the magistrates. But there were other grounds of presumption in their favour: if they had misconducted themselves, the courts of law were open for redress; and yet, not a single application or charge had been made against them, while bills had been found against every individual whom they had apprehended, by the grand jury of the county palatine of Lancaster. The noble viscount then proceeded to defend the yeomanry from the charges which had been preferred against them. He denied that they had done more than became them as soldiers, acting under specific orders; and instanced the various contradictions which had been given to the charges which had been brought against them, as proofs of the malevolent falsehoods by which they had been assailed. Under all the circumstances, he thought the presumption was as strongly in favour of them as it was in favour of the magistrates. On the illegality of the Manchester meeting he could speak with the utmost confidence. Without referring to information exclusively in possession of the government, and none of which had yet been communicated to the public; but taking the facts which were generally stated and admitted, he would not hesitate to declare, relying on the opinion of the great legal authorities, in whom he could place the most implicit confidence, that the assembly of the 16th of August was not only illegal, but treasonable.—The next object of the noble earl's animadversions was the letter addressed to the lords-lieutenant of the counties of Chester and Lancaster, communicating the approbation of the Prince Regent's government to the magistrates and the yeomanry who acted on that occasion. He did not shrink from any responsibility which the writing of that letter imposed, and he was convinced that a plain statement of facts would convince their lordships, that his majesty's government could not have pursued a different course. An account of the transactions of the 16th, at Manchester, reached ministers on Tuesday night. On Wednesday, Mr. Hay, the chairman of the Salford Quarter Sessions, accompanied by another gentleman, arrived in town to give the fullest information on all the circumstances to the government. A cabinet council was summoned immediately, and attended by all those members of it who were then in town. It consisted of the noble and learned lord on the woolsack, of the noble master-general of the ordnance, of the noble secretary of state for foreign affairs, and of several other members, and was attended by the law officers of the Crown. The two gentlemen who had come from Manchester made their statements in the presence not only of the cabinet, but of the law officers; and all the information which they gave, and all the circumstances which they minutely detailed, served only to confirm the conviction which had been produced by the original account, that the magistrates had faithfully done their duty. As soon as this step had been taken, and this explanation given, the law-officers gave it as their opinion, on a view of the whole case, that the conduct of the magistrates was completely justified by the necessity under which they acted. With this conviction on the minds of the Prince Regent's ministers, the letter in question was written. If, so convinced, they had not acted in the manner they did, and had delayed to communicate the approbation of government till they had made unnecessary inquiries, he would not hesitate to say, that they would have acted not only unwisely, but unjustly and basely. The

persons whose conduct had been thus canvassed, had performed a most painful and dangerous duty; they had exposed their lives for the preservation of the public peace; they had given a satisfactory account of the necessity which compelled them to act; the presumption was in favour of the truth of their statements: and, were ministers, in such a case, to say, after hearing them, "No, we cannot approve of your proceedings; there is every appearance that you acted with proper temper and decision; there is a certainty that you exposed your personal safety in the performance of your duty, but facts may afterwards come out against you, and on this vague anticipation of probable contradiction, we will refrain from thanking you till we have heard the statements of your accusers?" Would such conduct have been fair, manly, or generous? Ministers were charged with prejudging the question by the conduct they pursued; but how could they have done otherwise than they did, convinced as they were that the magistrates had acted under a necessity that admitted of no alternative? What would have been the consequence of any doubt thrown unnecessarily on their intentions or acts? What would have been thought of the conduct of government by the other magistrates of the kingdom? The times in which they lived were not those that would allow them with impunity to temporise in a manner so base and so unjust towards men to whom the protection of the public peace was intrusted. The noble lord here entered shortly into an account of the transactions of the 16th, and described the hostile conduct of the populace towards the constables and the authorities, both before and after the meeting. Campbell, a constable, had been actually stoned to death, in open day, in Manchester; and a constable of the town had stated that he considered his life in danger. This system of hostility to all who were engaged in executing the law, or preserving the public peace, was not confined to Manchester. It appeared in Newcastle, and other places. Referring to the cruelties said to have been perpetrated by the military on the 16th, he declared that not a single life was lost in consequence of the blows which they inflicted. On this subject he would not, however, dwell any longer at present: the danger with which we were threatened from the discontented state of the public mind was generally admitted and its magnitude should induce their lordships to unite in vigorous measures to avert it. If, in the character of that danger, there was any feature more alarming than another, it was the conduct of some persons, who encouraged and emboldened the disaffected by standing between the government they assailed, and the party assailing. The noble lord, adverting to the observations of earl Grey, regarding the dismissal of lord Fitzwilliam from the lieutenancy of the West Riding of Yorkshire, said he would not enter at large into the grounds of that measure. The different view which that noble lord and his majesty's ministers took of the state of the country, and the public declaration which he signed in opposition to their wishes, showed that all confidence between them and him had ceased, and that a separation had become indispensable. These were all the observations which he felt himself called upon to make on the present occasion. He concluded by declaring, that he should vote for the original address as it stood; and if the amendment was persisted in, he should feel it his duty to take the sense of the House upon it.

Lord *Erskine*, in rising to support the amendment, said, that although he could add nothing to recommend it to the adoption of the House, because it had in his opinion, received no answer whatsoever from the noble secretary of state, though of all others the most bound to justify its rejection, yet he could not content himself with giving a silent vote, to be perhaps passed over in the published list of a division. He wished all the people of this land to know, that he was still in his place, as he ever had been when the rights of the people were invaded; and upon the present occasion, they had not only been most manifestly invaded, but wantonly trampled upon and insulted.—The unquestionable merit of his noble friend's amendment was, that whilst it supported the address in every part of it that pointed out any public offence or danger, and to all that pledged the House to maintain order and tranquillity, yet at the same time it justly and prudently called upon them to examine into the causes of the discontent and disorder which they condemned; to pledge them also to support the liberty of the subject under the laws, and to suffer no wrong which might have been committed under the

pretext of supporting them to pass unexamined and unredressed. — What answer had been given, or even what attempt at an answer had been made to that sound and statesman like proposition.—The noble lord who had just sat down, in a speech most unwise and unfit in the present agitated state of the country, instead of sympathizing with admitted sufferings, and lamenting the supposed necessity of inflicting them, had passed them by altogether, and closed the door at once, without the slightest consideration of them, against either inquiry or relief. Such a course of proceeding, however it might have been determined upon by ministers, even on grounds which might appear to them to be satisfactory, could not possibly justify the House to refuse examination, when the people appealed to parliament for protection, and tendered the proofs of most atrocious violations of the constitution.—When the people, my lords (said lord E.), complain to us of the grossest misgovernment of the magistracy, and of the ministers for sanctioning their misconduct, can we possibly accept of their own declarations as conclusive evidence in their justification, whilst we refuse to hear the evidence of their accusers?—When ministers took upon themselves to pledge the Crown to support their rash pre-judgment, and to condemn the people, how could they be considered to be responsible, if parliament, upon their own suggestion, and under their own influence, rejected all inquiry into the facts offered to be proved, and which if established must condemn them? In laying their conduct before the House by the address which they have proposed, they must think, no doubt, that they have submitted their conduct, and the state also of the country to the impartial and constitutional judgment of the legislature. Be it so; but what then must the nation, and all other nations, think of the House of Lords as a branch of that legislature, if its decision echoed the address prepared by themselves who were accused, against the universal complaints of the people, and this without hearing a syllable of the proofs, which by petitions from one extremity of the country to the other, they had been solemnly called upon to examine. Such a proceeding was without example in the history of the worst times. It would have been wiser to give a wrong judgment after hearing the evidence, than to reject it altogether. The first could only raise the presumption of an error in judgment, but the last might create suspicions of too gross a character to be stated. —The noble viscount, however, to justify the rejection of the amendment, had assured the House that the proceedings at Manchester had been grossly misrepresented; but this he thought was rather an additional argument for an inquiry into the facts.—But, putting aside all accusation or justification of ministers, was it not the duty of the House to examine impartially the state of the country, and the acts of the magistracy, to restore tranquillity, by inspiring the people with a trust in the justice of parliament, to afford relief and protection even to those who might have offended, if the laws had been overstepped. Can we, my lords (said lord E.), expect either affection or obedience from subjects, if we ourselves depart from the immutable rules of justice? —He had formerly observed to their lordships, that the diseases of the state, like those of the body, must be first traced to their causes before any remedy could be usefully, or even safely applied; and he was sorry to be obliged to say, that the principal cause of that now complained of was unhappily, too notorious. It arose (no matter whether with or without foundation) from a distrust of parliament: the great bulk of the people did not consider the House of Commons as their representative, nor the House of Lords as independent, when they uniformly, even more than the House of Commons, adopted every measure which every administration in its turn had proposed. They thought, no matter whether justly or unjustly, that the influence of the Crown in both Houses of Parliament, annihilated their use and office in the government; they declare in all their tumultuous meetings that whatever ministers introduced was always conclusively adopted, whilst their wishes and opinions were rejected. Now, nothing surely could be more dangerous than that such an opinion should spread, and take root throughout the country; yet could it possibly be a remedy for such a diseased opinion, or rather could it do otherwise than exasperate and confirm it, to defer to ministers as you are called upon today; to take their own words for their own wisdom and justice, and to refuse to hear the other side, that thus they might be pronounced by the House to be immaculate, and the people discontented without cause. Was it possible to expect tran-

quillity or obedience to government, if this course was pursued, or to fail in securing both the one and the other, by adopting the amendment? My lords (said lord E.) if whilst you shall maintain a just submission to lawful authority, even by military force when unfortunately necessary, you shall at the same time take care to limit its interference, and never to suffer it to pass beyond the bounds of the law; and if, when excesses occur, you shall open wide all your assemblies and tribunals to the sufferers, and hear their complaints with an affectionate feeling for the great mass of the people, appeals to force will be but rare and insignificant. Only do this systematically, beginning to-day upon so favourable an occasion, and every thing you fear will soon disappear, like an enchantment or a dream. Only show the world that you are not the slaves of ministers, but the faithful guardians of the rights of the people, and you may lay at rest all the laws against tumultuous assemblies, and your troops and magistrates may go to sleep. But he ought, he said, to have spared their lordships from hearing these truths from him; the causes of the present discontents had been already pointed out by his noble friend with so much truth and eloquence as the foundation of his amendment, that he felt his words return back upon him. The complaints which had convulsed the public mind from one extremity of the island to the other, were surely a sufficient presumption of their justice, not merely to vindicate inquiry, but to impose it as a solemn duty upon the House; and the more so as it was the only possible course by which the alienation of the lower orders of the people from the government of the country could be removed; and even if the result in favour of the magistracy appeared to be probable or almost certain, the more politic would be the examination of the facts, as it would show that parliament, instead of being cold to the wishes of the people, ran even before its duty, through sympathy for their feelings. There could be no doubt, and for the very reasons he had adverted to, that there had been tumultuous assemblies of the people in different parts of the country, in numbers too great to be useful, and which could not be brought together without leading to probable disturbances of the peace; neither had he any doubt that the meeting in the neighbourhood of Manchester was of a description to call for the active vigilance of the magistrates; but at the same time it could not be denied, that the object of the meeting was legal, it being to petition parliament, and no overt acts had been committed, nor any conspiracy discovered, to prove it to have been a cover for rebellion or sedition. On the contrary, there was little ground for believing that violence or disturbance of any kind was contemplated, when very great numbers brought their wives and children along with them; for if tumult or danger had been contemplated or expected, the feelings of nature would have prevented the presence of women and infants in the crowd. Supposing, however, that the great numbers assembled, and the banners displaying the wishes of this multitude for a reform visionary and impracticable, had rendered the meeting in the honest judgment of the magistrates unsafe and injurious to the public peace, and therefore fit to be dispersed, was not the mode of accomplishing it most clearly prescribed by the laws, and completely and safely practicable? After mildly admonishing those who were nearest to them, were they not bound to read the Riot act in different parts of this immensely numerous meeting, so that the reading of it might be perfectly notorious, which most undoubtedly had been very insufficiently done; and no means taken to circulate the knowledge of it. The leaders of that multitude well knew, and no doubt would have made known to those who followed them, the consequences of remaining after an hour had elapsed, and this knowledge would in itself have soon dissipated or thinned the meeting; but what after all was the legal consequence of their keeping together after the period prescribed by the statute? Not that they were subject without imminent necessity, to be sabred right and left with indiscriminate and merciless violence, by cavalry impelled against them as in rebellion or foreign battle. No; they were felons only, and subject to indictment. Lord E. said, he admitted that even before the hour had elapsed so as to render them felons, or any portion, however small of it, if such acts of force or dangerous breaches of the peace had been committed or threatened as would justify magistrates to repel force by force, that force not only might, but ought most unquestionably to be employed; but did such a case exist at Manchester, or in the justification of the magistracy, had

any such acts of the multitude been proved?—Certainly not. On the contrary, their leader had offered his person to the laws if he had offended, and no violence had been committed when they were charged by the yeomanry and cut down. Now, my lords (said lord E.), when you are invoked by the universal voice of the country, can you, in such a case as this, refuse all examination, only because ministers forbid you; and is it possible that your lordships should be blind to the peril of pursuing such a course? It may be necessary perhaps very soon to employ military force in the support of lawful government, which is but another name for protection of the people; and if the amendment is accepted, recourse may be had to it without unpopularity or suspicion; but if, by now rejecting all examination, the unlawful employment of force shall be vindicated, government will then raise a question in public opinion between the people and itself which the military may be called upon to decide; and God forbid that such a dangerous arbitration should ever exist! When the military are employed upon lawful occasions, they do not then act against the people but for their manifest protection; but if this sound distinction comes to be disbelieved or brought into doubt or question, your lordships should recollect that the soldiers being themselves part of the people, partaking of course all their feelings, the arm may be palsied with which we may have to act. It appeared to him, therefore, that the House was bound by every principle of interest as well as duty to satisfy the people, that whilst parliament was determined on the one hand to put in force the laws of the country, and to maintain order and tranquillity even by force if unhappily necessary, yet that they were equally resolved to protect their liberties and avenge their sufferings; which was all that the amendment called upon their lordships to do. To this, however, it was objected, that the subject prayed to be inquired into had already been decided by the rejection of the bills of indictment by the grand jury of Lancaster, which brought these transactions before them; but the complaints of complaining individuals, and the evidence produced by them to which their lordships were strangers, was but a small part of so great a national question; might not the prisoners in 1794 have been proceeded against by the state trials at the Old Bailey, without the interference of parliament, but the magnitude of the question formed the exception, and the reports of both Houses, even though they assumed the guilt of the individuals who were in custody and to stand their trials, were made public. This was done under the same administration of government which now refused inquiry, because bills of indictment by a few individual sufferers had been rejected. Nothing surely could be more completely at variance than the two courses which had been pursued! This (said lord E.) is the whole; the amendment neither negatives nor questions the principles which are the foundation of the address, and if adopted leaves the House solemnly and unanimously pledged, as it ought to be, to support the government as established by law, which I hope always to be found amongst the foremost to maintain; whilst, at the same time, it gives it the most efficacious support by assimilating it with the interests and affections of the people. For these reasons I shall vote for the amendment.

Lord *King* observed, that the assertion of the noble secretary of state, that misstatements had gone abroad on the subject of the Manchester transactions, laid the strongest ground for inquiry. The speech of the noble secretary was remarkable for its coincidence with every thing that government had done regarding the melancholy transactions of the 16th of August. It contained not one expression of regret. The letter of thanks to the magistrates, the answer to the city address, the speech from the throne, and the address now proposed in answer to it, were all silent on this head. The magistrates had been approved of in a high quarter, but it was certain they were not approved of by the nation. It must be allowed on all hands that they had committed indiscretions; at least they had been guilty of rashness and precipitation. Magistrates might act lawfully, and yet be guilty of indiscretion. They had a title to apprehend the individuals upon proper depositions, but they might have been indiscreet in selecting the moment for their apprehension. Why did they not issue their warrants before the meeting? Why did they not prevent the meeting by declaring it illegal? or why not wait till it had dispersed, to apprehend its leaders? The dangers, if there

were any, arose from its dispersion, and not from listening to speeches; and there was every reason to believe, that if not interfered with, it would have passed off like innumerable other meetings of the same kind. The noble lord then went on to state, that distress was the cause of the present discontent, and appealed to those places where disaffection appeared exactly proportioned to the privations endured. He then adverted to the meetings for loyal declarations, and said, that such effusions always preceded attacks on the liberty of the subject. He did not deny, that there was now considerable danger, and considerable discontent; but contended that the former could only be averted, and the latter removed, by measures of conciliation and kindly reform. Regarding reform, the nation was divided into three parts; the adherents of ministers, who objected to all reform; the radical reformers, whose plans would be a subversion of the constitution; and those who supported the necessity of a gradual, a practical, and a moderate reform. The noble lord professed himself desirous of being ranked in the latter class, and thought great good would result from a correction of abuses, when they should be proved to exist, and a careful repair of the breaches which time might have made in the constitution. An opinion had unfortunately gone abroad, from the neglect of this species of reform, that parliament, instead of being a check and a control on the measures of the executive, had become its minion and its tool. It had last year increased the taxes by three millions, without any ostensible object but to benefit the fund-holder; and the grant of 10,000*l.* a year to the duke of York, for visiting, at stated intervals, his afflicted father (a measure which gave more disgust than any thing that had been done for a long time) was quoted as another instance of disregard to national interests. The noble lord then drew a parallel between the treatment of Ireland, before the late rebellion, and that of England, recently; and showed how the system of spies and informers had been transplanted from the one country into the other. Nothing could more tend to alienate the people from the government than a refusal of inquiry. The noble lord, therefore, after a few more observations, concluded by supporting the amendment.

The Earl of *Caryfort* said, it was our duty, as members of society, to protect each other, by upholding those principles on which society depended. Much had been said of the meeting at Manchester on the 16th of August, and the transactions of that day. It seemed to him extraordinary, that there should be a second opinion as to the legality of that meeting. Was it possible that it could be lawful for men to meet in such enormous numbers, and in a threatening manner, as on that occasion? Could a proceeding be lawful which went to defeat all the ends for which men entered into society? Men entered into society for the purpose of leaving the protection of their rights to public authorities constituted for that purpose, and not to the adjudication of themselves. If that principle was departed from, no individual could have any security for his life or property. The meeting of so large a body, and with such devices, even under pretence of a lawful purpose, could not be allowed; for it must necessarily inspire terror, and such terror was, in its nature, an act of violence and compulsion. The present times were different from those of the civil wars, when there was a claim of arbitrary power in the Crown, and a contest on the part of the people for the recovery of ancient rights and liberties. Those liberties were now well understood, and he was convinced that no family was ever more attached to those principles than the illustrious family under whose auspices we lived. The king undertook to administer justice in mercy, and so mild had been his reign, that in the performance of this duty numerous cases had occurred in which mercy might be thought to have been carried too far. What would have been said at the period of the Revolution, by the judges of that day, had a grand jury been abused in public libels, as the grand jury of Lancashire had been treated for doing their duty? He hoped, that, laying aside party spirit and prejudice, all would unite in supporting the constitution, and that was only to be done by giving support to the magistracy of the country. He was anxious that full and complete support should be given to the executive magistrates in the discharge of their duty; for those principles, on which every thing valuable in society depended, could only be maintained by supporting the executive. He certainly was of opinion, that lenient measures were better indications of firmness, than those which partook of a

character of violence. He always considered, that if the magistrates had violated or misused the powers intrusted to them, the courts of law were open to the persons aggrieved. In allusion to what had fallen from a noble lord respecting the lord-lieutenant of the West Riding of Yorkshire, he remarked, that had he been placed in the same situation as earl Fitzwilliam, he should probably have acted differently. Had that noble lord asked his advice, he should perhaps have advised him to take a different course from that which he had pursued; for he could not but feel, that at a juncture like the present, persons of high station, like that noble lord, and possessing extensive property and influence in the country, should come forward and prevent the people from being led away by designing and seditious persons; should not abet them in their errors, but teach them to look up to them for direction. Still, however, he could not but sincerely wish that his majesty's ministers had viewed that noble earl's conduct in the light in which he viewed it. It must be admitted, that that noble lord never was one who gave his countenance to proceedings of a dangerous character; but that, on the contrary, upon trying occasions, he had in more than one instance given his support to the administration, in opposition to the opinions of those with whom he usually acted. He could not, therefore, but regret the extent of the punishment which had in this case been inflicted. The noble lord said, he should conclude with an earnest hope that none of the apprehensions of public danger which were at present entertained might be verified.

The Duke of *Athol* observed, with reference to the present situation of the country, that the artifices of factious demagogues were working on the loyal and industrious poor, by means of the worst poison that ever contaminated the public —a poison sufficient to awaken the horror and detestation of the government under which we lived. He did not mean to dwell on the particular circumstances of the Manchester meeting, but to state what he knew from local experience of the northern part of the kingdom, with which he was more immediately connected. He did not hesitate to say, that a short time ago, a more moral and religious set of people did not exist; but he knew that attempts had been made to corrupt them, although those attempts had not perhaps been so successful in that quarter, as in some other parts of the kingdom. He knew that delegates had been employed in disseminating blasphemous and seditious tracts among them, either gratis, or at so low a price, as to enable the poorest to purchase them. These tracts had certainly not been so successful there, in destroying order and morality, as they had been in this part of the country; but still they had to a certain degree succeeded. He had the satisfaction to state, that in the country where he resided, the projects that had been suggested for the relief of the labouring poor had in part succeeded; and that, notwithstanding the swarm of publications spread among them, for the purpose of rendering them dissatisfied with their situation, they were convinced that every thing practicable had been done for the amelioration of their condition. He was one of those who thought themselves bound to call the attention of their lordships to the state of the lower classes, in order to save them from the specious delusions of those demagogues, who were disseminating among them the injurious principles of radical reform. The question of reform had been often agitated, but he never knew any specific, practicable plan, on which twenty persons were agreed. We had at last, however, got one. We had now a radical reform, a reform by which noble lords would not remain in possession of their estates three days after it was carried into effect. He had a newspaper in his pocket, in which a radical reformer stated pretty plainly what he meant. An exchange of poverty for property was the principle and purpose of the radical reformers. If their lordships did not adopt some measures to restrain such men, they would not do their duty. The mass of the people were loyal, but if not protected, they would be lost in the gulph of radical reform. He would recommend the signal of lord Nelson when at the battle of Trafalgar, "England expects every man to do his duty." Let the House also do its duty, and by so doing it would have done that which, under divine Providence, would arrest the calamities with which the country was threatened, and insure its safety. He had sat in that House nearly forty years; he had seen, in that time, many black clouds hanging over his head, but the good sense, the loyalty, and the morality of the people had never failed to dispel them; and that, he was persuaded,

would be the case, in the present crisis of the country.

Lord *Lilford* said, that the liberties of the people were involved in the protection of the constituted authorities, whose reputation could not suffer without injury to those over whom they presided. He would ask, then, whether some of the speeches of noble lords, who pretended to be the exclusive champions of liberty, were not calculated to degrade that respect which was due to the magistracy? In advocating their cause, he advocated the cause of the people. The little he had to say should be confined to his own local knowledge. He had received information from persons in the middle rank of society, not of the privileged orders, but men of sound judgment, and without prejudice or partiality; he held this correspondence in his hands, and he should state two or three passages from it. Its date commenced with January, 1819, and it stated that the radicals, in urging parliamentary reform, and decrying the corn bill, only meant to excite a prejudice against the landholders; that the people in the quarter in which he resided were goaded on by reformers, and ready for any act of desperation; that their minds were assailed by seditious tracts, and if sedition was allowed to go on they would write down any government on earth. The cotton trade had improved, and he was sure would improve, if not prevented by the madness of those men—but reform had got possession of their minds; it mixed with all their habits and ideas, and constituted the subject of all their conversation. He was a man of but plain intellect, and did not pretend to see far before him; but it did appear to him to be a strange perversion of optics to see only the possible mischief that might accrue from government, and to be blind to the immediate danger already flowing from the conduct of the people. For his part, he was willing to give, by his vote, a pledge of his opinion, that in the present state of the country some remedy was necessary to check the mischief which he saw existing.

Earl *Grey* took that opportunity to explain, that, with reference to the objection that any parliamentary inquiry would be extrajudicial, he had stated, that according to this mode of reasoning, it might happen that ministers might order the most illegal acts, such, for instance, as the levying of ship-money; and yet parliament might be precluded from any examination of their conduct, by being told triumphantly that any inquiry by them would be extrajudicial.

Lord *Lilford* begged to be allowed to supply an omission in his speech: it was, that he knew personally the character of the magistrates at Manchester: he knew them to be men of the highest integrity: he knew also that they were most desirous of inquiry.

Earl *Grey*, in explanation, observed, that he had carefully abstained from saying any thing respecting the character of the magistrates, though he certainly had a very strong opinion as to their conduct; but all he wished was a full, fair, and impartial inquiry; for if, as was said, their conduct was capable of justification, an inquiry was the more necessary even on that account.

The *Lord Chancellor* said, that whatever might be the tendency of parliamentary inquiry to allay local uneasiness, and however much he might, as an individual, wish it for the sake of justifying the character of the magistrates, yet, looking at the question in his public capacity, he must say, that no such inquiry as was called for could be granted consistently with the spirit of the laws of the country. No noble lord had ventured to say that the meeting at Manchester was a legal meeting. When he considered what proceedings were now in progress in the courts of law, he almost feared to speak out his opinion; but when he read in his law-books that numbers constituted force, and force terror, and terror illegality, he felt that no man could say that the Manchester meeting was not an illegal one. It was a new and somewhat strange ground that was taken on the present occasion by the advocates for the liberty of the subject. He had, to be sure, often heard it stated on former occasions to the attorney-general, when he filed an information, "Why have you done so? why have you not adopted the old constitutional course of laying the complaint before a grand jury?" whereas, now the cry was, "Why do you not, since that constitutional tribunal a grand jury, has rejected the bills, instantly file an unconstitutional information in order to allay the popular ferment?" He felt from the bottom of his heart that the meanest subject of this country was better than the highest of any other country under heaven; but he would be no longer so, if he gave up his ear and soul to those evil counsellors who

would make not (as they pretended) the poor man rich, but would make both rich and poor "poor indeed!" It was complained, that not only had the grand jury rejected bills, but that magistrates had refused to receive information on oath. This latter conduct was either right or wrong: if right, why complain about it? if wrong, why interfere with measures already under consideration in the court of King's-bench? Another ground of complaint was, the conduct of the coroner in adjourning an inquest. But what was the fact? The coroner alleges that the jury had been tampered with, and that there is a fear that they might give their verdict on evidence not before them on oath. He, therefore, adjourned the inquest, in order to have the opinion of the court of King's-bench in a matter of such high importance. What was there unjust in this? His noble and learned friend, of whom he always should speak affectionately as of an old fellow-labourer in the same vineyard, had stated that there were precedents of parliamentary interference with the courts below. If there were any, he was sure they must be bad precedents; but he was not aware of any that bore any analogy to the present case. Those cases of high treason to which he had referred were not at all in point: parliament had then interfered, or rather had instituted a contemporaneous inquiry; not for the sake of, or in any connexion with, the persons under trial, but with reference to those numerous classes throughout the nation who were supposed to be implicated in some general designs of mischief against the government. Was there any similar state necessity in the present case? Was there ever any reasonable ground of fear that the magistrates would run wild and exceed their duty throughout the nation? He must confess that he thought the danger was one of a very different kind. He thought that the magistrates had been remiss rather than over active; and had neglected to take notice of many seditious and blasphemous publications which ought to have been noticed. One observation of his noble and learned friend he must particularly remark upon, because the great source from which it proceeded might give authority to error. He alluded to what he had said about the Riot act. It should be recollected that the act, specially called the Riot act, did not exist till the 9th of Geo. 1st; yet that a great many acts of parliament (which though not generally known, were yet in force) had previously been passed against illegal, as distinguished from riotous or routous meetings. As the law now stood, if the magistrates thought proper to read the Riot act, and the mob did not disperse within an hour, they were guilty of felony; but if a case should arise of an assembly, after the reading of the Riot act, conducting itself in such a way that it ought to be immediately dispersed, was it to be said that the whole powers of the common law were palsied, and could not be put into execution till a full hour had elapsed; and that therefore all the mischief possible might be done with impunity in the remaining three quarters of an hour? He would not now give any opinion on the proceedings at Manchester, as a case was in progress for trial. A bill had been found, though perhaps, according to the reasoning of the noble lord, that circumstance was a strong presumption of innocence, the rejection of a bill having been considered as the surest proof of guilt [a laugh]: but as all the facts of the case were about to be laid before a jury, he would not enter into details—no; not even in that debate which was threatened would he be induced to enter into any minute explanation. This only he owed it to himself to say—that it was his fixed, his unqualified opinion, that the meeting at Manchester on the 16th of August was, in every sense of the word, an illegal meeting.

Lord *Erskine* explained. He did not say that an hour after the reading of the Riot act was requisite before the law of the country could be enforced against tumultuous assemblies. On various perilous occasions he had been put to the test, and did not then think that an hour was requisite. During the riots of 1780, when the mob was preparing to attack the house of lord Mansfield, he was in Bloomsbury-square, and attended with some military, when he offered to defend the house. He was also in the Temple when the mob was preparing to force the gate, and when several houses in London were on fire, and he went forward to the gate, which he opened, and stood beside a field-piece, prepared to fire, in case the attack was persisted in. In such cases every man was a magistrate, every subject was bound to act, to defend his country and its laws. But the rioting mob of London in 1780, was different from the assembled multi-

tude at Manchester on the 16th of August. It was no slight matter that the inoffensive crowd at Manchester should be sabred to the right and left within a short time after the reading of the act. But to him it was particularly a matter of astonishment to find that although much misunderstanding existed on both sides, it should be said that all inquiry was unnecessary, for one alone was right. He had always thought when two parties disagreed, inquiry was most needful.

The Marquis of *Lansdowne* began by observing, that in the discharge of his public duty he proposed, if no such motion should emanate from the government, or from any other quarter, to move for an inquiry into the causes of the proceedings at Manchester which occasioned so much and such just disquiet. He rose, however, now to state his reasons for voting for the amendment — a determination which he had come to, not without great anxiety, but which was not the less firm, and which he conceived to be perfectly compatible with the recommendation of the speech from the throne. He must first avow most distinctly, that the amendment would not have had his concurrence, unless it had most unequivocally expressed the utmost abhorrence at the abominable and persevering attempts which had now been made for two years past to subvert the allegiance of the lower orders. Indeed, he did not think any man was entitled to public confidence who was not prepared to come forward with such an avowal. He thought, however, that this confession of danger should be followed up by a proposition calculated to allay any exaggerated alarm—he meant, by the parliamentary assurance, that their lordships were not asleep at their posts, but were ready to consider fully and impartially, not only whether the public peace had been broken, but also whether the lives of his majesty's subjects had not been wantonly endangered. The transactions at Manchester, on the face of them, demanded inquiry; but what said the noble viscount? He said that he had only meant by his opinion, uttered on the spur of the occasion, to express a confidence in the magistracy of the country, and not to prejudge the facts of the case. The noble viscount had talked a great deal about his anxiety, and as proof of it, had related the mode by which he came to his decision. He told their lordships that two persons had come up to him from Manchester; persons who, it must be notorious, must have been interested in persuading the ministers that they were innocent; persons whose fame and character were at stake; and yet he told their lordships, that after examining these two persons, and after a consultation with two counsel, he found himself in a situation to pronounce judgment, and to turn round to the public and say, "My sentence is definitive; you shall have no opinion but what I have formed. With this sentence I shall close the mouth of every independent man in the kingdom; and even such a man as lord Fitzwilliam shall be disgraced, not because he has prejudged the question, which nobody but myself has ventured to do, but because he calls for inquiry, which I do not think proper to be granted." He assured their lordships that he thought it a valuable characteristic of the amendment of his noble friend, that it exaggerated nothing, but called merely for the real merits of the case. It desired merely facts and truth. How different was the conduct of the noble viscount! He contented himself with saying, that the magistrates were entitled to a strong presumption in their favour. What could be meant by such a declaration? If it was merely meant that the magistrates should not be condemned without a full, fair, and impartial inquiry, he most cordially subscribed to the opinion; but he must add, that no more deadly blow could be aimed at the magistracy of the country than to hold them up as irresponsible persons, whose excesses were not only to be screened from punishment, but could not either legally or constitutionally be subject to inquiry. Whether the particular meeting was legal or not he did not know. Sufficient circumstances had not transpired to justify any conclusion on that point, and for this very reason inquiry was necessary. Whether, however, the meeting was legal or not, nothing had been said to justify the particular mode of dispersing it. But the noble viscount had confessed, that the magistrates themselves were not aware that the meeting was illegal, and that their object had been solely to take Mr. Hunt, and not to disperse the meeting. He sincerely hoped that this view of the case was correct; for, certainly, if the magistrates had been aware that the second meeting was illegal, after they had seen their warning against the first meeting complied with, what censure was too great for them,

who thus chose rather to risk the lives of their fellow-subjects, than have recourse to a precaution which they had already found to be available? There was another question—why arrest Mr. Hunt in the midst of his partisans, who, it was reasonable to suppose, might be excited to some act of outrage, by seeing their chief torn from their assembly? It is true, that reasons of unavoidable necessity might exist for so violent a measure. He himself did not see them; he did not mean to say that there were none, but they ought to be fairly made known, in order to establish the propriety of the magistrates' conduct. This at least was clear—that on the day referred to, blood had been shed; the blood of his majesty's subjects, for the first time, by his majesty's subjects, in a county already too much irritated in consequence of its distresses, and whose irritation, he feared, rankled far too deeply to be allayed by any wisdom which could be hoped for from the present administration. But an inquiry was necessary, not merely for the sake of the sufferers at Manchester, but for the public, who should feel that they may look to the laws for protection. The stability of the government depended on the institutions of the country being held in reverence; and here he must say, that ready as he was to express his abhorrence of the radicals, and not to under-rate the mischief of which they were capable, yet that he saw more to regret than to fear on their account. He believed a much greater danger threatened the nation from another source—he meant from the prevalence of an opinion among the public, that the institutions of the country were not so favourable to the lower as to the higher classes. If this feeling were once general, it would be a formidable weapon in the hands of those who combined so much zeal with their abominable endeavours to shake the foundation of confidence between the governors and the government, and to gain ultimate possession of the country. The way to render these men harmless was, for parliament to adopt a conduct calculated to conciliate the esteem and confidence of the people; and by such sentiments and such measures as were recommended in the amendment, to convince the public that their rulers felt that peace and stability could never be secured without an equal administration of the law.—One word as to the expression of the noble viscount, that those who stood between the government when assailed, and those who assailed it, gave weight to the side of the assailants; he must have much greater authority than that of the noble viscount before he could implicitly adopt such an opinion. He would never allow that greater weight was given to discontent by a manly opposition to government in favour of the people, than by that prostration of understanding which the noble viscount seemed to expect from every man in the country; and without which the noble viscount thought that no talent, no honour, no integrity, could qualify an English nobleman to be of service to the nation. "I (said the noble marquis) am of opinion, that the noble viscount has given the greatest encouragement to discontent, by withdrawing from the service of his king and country, one who, by his irreproachable character, by his long-tried services, by the admiration in which he was held by the whole kingdom, was eminently calculated to be a peace-maker, and to conciliate not merely respect, but that love and affection without which no government, however powerful, can long be secure."

The Earl of *Liverpool* observed, that as the noble marquis had given notice of a motion for inquiry, he should not now enter into any details, but he could not let the speech of the noble marquis go by without one or two observations. The amendment proposed by the noble earl, and recommended by the noble marquis, was in part true, but alluded to circumstances not fit subjects for discussion that day. They were that day called to give a test of their readiness to do their duty to the nation generally, and not to refer to any particular subjects on which the widest difference of opinion prevailed. He would defy the noble marquis to tell where an inquiry had ever taken place under circumstances similar to the affair at Manchester. The cases of the year 1793, and of the year before last, had no reference to the conduct of individuals, but embraced the consideration of precautionary measures for the nation generally. What analogy was there between those cases and the present? Besides, how was a parliamentary inquiry to be instituted? It could only be done by suspending the functions of the courts of law, and by silencing all subordinate tribunals. But, how can proceedings there be stopped? They are begun, and already far advanced. The noble viscount had been spoken of as

being the only party to the letter of thanks to the magistrates; but he must say, that whatever blame attached to it, belonged to him (lord Liverpool) and to other of his majesty's ministers who had sanctioned it. He would undertake most explicitly to say, that the Manchester magistrates would not have received the thanks of the government, unless they had done their duty. And on all occasions where it had been considered to have been so performed, it had been the custom to give them thanks. How difficult and painful a situation would they stand in, if they were at a loss to know whether they had the approbation of his majesty's government or not? But, supposing government had decided in a different way, did their lordships consider what would have been the course in that event? He would pledge his word, however, that there never was a case of assault more fully and irrefragably proved than that which, in its consequences, had so recently called down all the obloquy of the noble lord. It had been said that many of the circumstances which were alluded to in the answer of his royal highness the Prince Regent, to the address of the city of London, were either circumstances not generally known, or of previous occurrence. True; but let the fact of this meeting be stated in the manner in which it was made known to all the world. He was content to take it thus — that bands amounting to at least 20,000 men, disposed in military array, marching in military order, and commanded by military leaders, came to one spot with banners and streamers, upon which might be read the motto of "Equal Representation or Death," and he would venture to declare, that this was not only an illegal, but under all the circumstances, a treasonable meeting. Their intention was, to carry into execution their avowed object by violent and illegal means. It was so considered by the magistrates of Manchester, who had made affidavits, declaring that such was the belief of themselves. Good God! how was the government to be carried on—how was the country itself to exist—if these things were to be permitted? Had their lordships ever heard of such meetings before? Did they ever hear of peaceable or legal meetings, armed and carrying banners and emblems totally destructive of good order and of loyalty. If there were certain circumstances connected with that meeting which must, and actually did inspire terror and alarm, what was it but an illegal one; and, minutely considered, what but a treasonable assembly? Under these circumstances he must contend that the magistrates were justified in their proceedings: and if the question were put more strictly—if it were considered that in the opinion of the highest legal authorities, it was their duty to disperse the people,—it became a second question how far the magistrates themselves would have neglected their duty by failing so to disperse them? What his noble friend has stated to their lordships was this—that the magistrates had no intention of dispersing the meeting before they were actually assembled on the 16th of August. They decided upon that step, when they saw what was the character of it. They did not decide it to be illegal till they saw separate parties of 2,000, 5,000, and 7,000 men, each marching in columns, and in military array. It was then that they did decide it to be illegal, whatever appearance it might have assumed before. They had sometimes heard the noble lord strenuously maintaining the right of trial by jury; but here it appeared to be looked on with perfect contempt: he chose now to uphold a very different course of proceeding. Any of the parties aggrieved by the events of the 16th of August might have sought for redress either by a civil or a criminal suit. That they might have done this all who heard him were well aware. And why had they not? The parties acted on their own responsibility. Now, their lordships might ask, what was the conduct of the Manchester magistrates? Having arrested the individuals, they presented three weeks afterwards, to the grand jury, bills for a conspiracy against such persons for what took place on that day. The grand jury found these bills; and, therefore, he did not feel it necessary to say one word more upon that subject; it would be, he thought, improper that he should. Well, the grand jury having found them, what happened? An individual, the agent for some of those who had suffered upon that day, presented no less than five bills against so many of the yeomanry. Was not this, he would ask their lordships, putting the question under judicial investigation? The grand jury ignored these bills; yet, that did not satisfy the noble lord. [Here

earl Grey and other noble lords said, "No, no."] Now, it should be remembered, that the depositions upon which the grand jury had decided were upon oath. It appeared, however, that the grand jury—a body of men as respectable for talent, for character, and for property, as any that he knew of—acting upon the evidence, and acting also upon their own responsibility, had ignored all the bills against the yeomen. Did he (lord Liverpool) say that this fact decided the question before them? No: but he did say, that while grand juries were to be upheld, their decisions were not lightly to be called in question, nor was the evidence upon which they had already decided, to be re-examined in another place, except upon the showing of a strong case. If other judicial evidence was yet to be brought forward, let it come in a proper and legal shape. But no: an attempt had been made to put down the magistracy altogether; it had been hazarded for the purpose of trying what could be done with juries and coroners and magistrates, till it could be ascertained how far the constitution itself might be set aside.—There was one other circumstance which he felt himself obliged to allude to, and, he assured their lordships, not without considerable apprehension. He trusted that the number of the disaffected, as compared with the great aggregate of the people was not very great. He knew that the activity of the former was very great; and he was aware of the speed with which they diffused the poison of sedition from one district to another. But he knew also that revolutions in all countries had been brought about, not by the number of the disaffected, not by the sedition which they excited, not by the falsehoods which they insinuated, but by the terror of the whole community. Terror had been the unfailing engine with which they had effected their mighty mischiefs; and in all those cases which had ever come under his observation, he had condemned the course of proceeding which he condemned in this case, where one county sat in judgment upon another: the effect was, to excite a feeling of terror in the country. He so condemned it, because he felt that, in the present crisis, whatever might be the amount of distress in the kingdom, the great object of calling their lordships there, and the only good they could do there, was to give their confidence to all the loyal part of the community; to make the magistrates feel that they were protected; to make property feel that it was protected. In a few days, from information to be laid before them, their lordships would see with pain, that in some parts of the country it had been found impossible to put the laws in force by reason of the resistance manifested towards the magistrates. If the magistracy—he would not indeed say the magistracy—but the magistrates of Lancashire, were to be treated as the noble lord wished them to be, what would be the effect of such a determination? In conclusion, from information which he might hereafter allude to, while facts were unanswered, which indeed admitted of no denial, he felt confident that the Manchester magistrates had only performed their duty; and that government would basely abandon its own duty if it did not now protect them.

The Marquis of *Lansdowne*, in explanation, said, he considered that the calling the magistrates before parliament could not be more improper than the measure of calling other magistrates, at least equal to themselves in rank and consequence, before the same tribunal on a former occasion. He did not know that the summoning of the Scotch magistrates on a question involving their conduct, before that House, had reflected any disgrace or dishonour upon them.

The Earl of *Carnarvon* animadverted upon the declaration of the noble earl, that it was impossible for parliament to go into any inquiry upon judicial proceedings. Notwithstanding all that had been said and published on the subject, he could not believe that there was a man in the country who did not think the interference of the military on the occasion alluded to unnecessary. It was stated, that though they brought their wives and children to the spot, yet, that this circumstance offered no proof that it was not meant and known to be an illegal meeting; and that when women came into the midst of such scenes, they lost the softness and tenderness natural to them. With all deference to the noble duke, from whom this ingenious argument had proceeded, he must acknowledge that it did not appear to him very natural that they would bring their wives or children for the purpose of being mangled or slain. He offered no opinion of his own as to the legality of this meeting; but he was far from being satisfied, that the only le-

gitimate means of its dispersion had been adopted. But it had been designated a treasonable meeting: why, then, was it permitted to take place? Those noble lords who did not wish to prejudge the question, forsooth, had declared the fact of the meeting to be neither more nor less than an overt act of treason, before their own tribunals had decided it. The noble lord then observed upon the publications daily put forth, not more remarkable for blasphemy than for sedition; in which the people were called on to arm, and a threat of the scaffold was held out against ministers and other illustrious persons. He meant the "Medusa", the "Cap of Liberty," and others. Why were government so backward in prosecuting those disgraceful productions, while they discovered so much promptitude in pursuing those whose conduct in the business of Manchester had been in any degree deserving of reprobation? The noble earl, after passing an animated eulogium upon the character, talents, and conciliating conduct of earl Fitzwilliam, declared that he thought the disapprobation of his conduct, expressed by his majesty's ministers, did him the greatest honour; and concluded by deprecating every harsh and coercive measure, arising out of the present question, towards the British public, whom justice, kindness, and forbearance, never failed to bring back to their duty.

The Marquis of *Buckingham* said, he would not now enter into the question whether the Manchester meeting was legal or not, nor into the conduct of the magistrates or yeomanry. Their conduct, upon the occasion alluded to, if improper, was open to investigation, before the proper tribunals. He had heard as yet no argument sufficient to persuade him that they should, upon the present occasion, deprive them of the advantages of the trial by jury. The point at issue now was between the address and the amendment, between ministers and those who opposed them. The case was one of no difficulty. It presented itself without the labour of much investigation to the mind of every person. There was not one man in that House or out of it, who did not know that the country was in a state of danger. They all saw the same exertions now making, plans of the very same kind pursued, as, at no distant period, brought upon a neighbouring country revolution, anarchy, and, at last, a degrading despotism. The state in which they were placed was this: the Christian religion was that of the country, recognised by law, and professed by the wisest and best of men; the bond of society, and the best source of comfort in this life and of hope in the life to come. They had lived to see the time when the country was told, not in a whisper, not in a concealed or smothered manner, but in broad day, that the sacred truths of the Christian religion were gross impositions and polluted falsehoods. Now, were open attacks upon religion, upon the laws of the country upon the life of officers who attempted to enforce those laws —were these things to be disregarded? Had they not seen a committee appointed for the ostensible purpose of petitioning for a reform in parliament, direct their measures in a way evidently calculated for the overthrow of the constitution. Public right might be used in such a manner as to become a public wrong; and if the right of petition was made a cloak for mischievous purposes, it was high time that some remedy should be applied to the evil. The country was in imminent danger. This was not a time for inquiring into the causes. The danger must be provided against without delay, or ruin would be the consequence. When a house was on fire, what was the fittest thing to be done—to inquire into the causes of the conflagration, or to take means of putting it out?

The House then divided on the amendment: Contents, 31; Proxies, 3—34. Not-Contents, 120; Proxies, 39—159. Majority against the amendment.

*List of the Minority.*

| | | | |
|---|---|---|---|
| Dukes of Kent | | Earls | Darnley |
| | Sussex | | Bessborough |
| | Somerset | | Donoughmore |
| | Grafton | | Rosslyn |
| | Devonshire | | Grey |
| | Hamilton | | Minto |
| | Argyll | Lords | Saye and Sele |
| Marq. of Lansdowne | | | King |
| Earls of Thanet | | | Hawke |
| | Essex | | Holland |
| | Albemarle | | Erskine |
| | Jersey | | Crewe |
| | Lauderdale | | Auckland |
| | Cowper | | PROXIES. |
| | Waldegrave | Earl Spencer | |
| | Fitzwilliam | Visc. Bolingbroke | |
| | Grosvenor | Lord Hutchinson | |
| | Carnarvon | | |

The Address was then agreed to.

## HOUSE OF COMMONS.

*Tuesday, November 23.*

ADDRESS ON THE PRINCE REGENT'S SPEECH AT THE OPENING OF THE SESSION.] The Speech of the Prince Regent having been read by the Speaker,

Mr. *Somers Cocks* rose to move an Address of Thanks. He said, that, approving as he did of the measures pursued by his majesty's government, and feeling it his duty, under existing circumstances, to avow his sentiments, he rose with much pleasure upon the present occasion to move an address, in answer to the speech from the throne. In doing this he trusted the House would extend to him that indulgence which they usually showed to a person, like himself, inexperienced in public speaking, and every way inadequate to the important task he had taken upon himself to discharge. He should feel it necessary, in the progress of what he was about to say, to offer a few observations upon the variety of topics which formed the subject of the speech from the throne. Unaccustomed to public debate, and of course to that accuracy of language acquired by habit and experience, he felt apprehensive he should not be able to express himself with all the clearness he desired. The first subject alluded to in the speech from the throne was one upon which no difference of opinion could arise, he meant the lamented continuation of his majesty's illness. Upon this there could be only one feeling, that of profound regret. The House, he was assured, would be unanimous in their accordance with this part of the speech. In calling upon them to express such a sentiment, it was impossible at the same time not to make some allusion to the moral and religious character for which their revered sovereign was, at every period of his life, distinguished. Though afflicted, and labouring under so awful a visitation, he still hoped he would long remain; and that the examples of domestic and public virtues which he had at all times set, would impress the minds of those who revered him, with a desire to follow in the same course. In thus adverting to his majesty's virtues, above all to his habitual and exemplary attention to the sacred duties of religion, every one, who paid any attention to late events, must reflect with sorrow and apprehension, that feelings of the most opposite nature were now attempted to be impressed on the minds of the labouring classes. Men were seen engaged in this diabolical duty, and exerting themselves in it with as much zeal as if they were the harbingers of substantial and real good. Was it not horrid, that they who cried loudly against abuses, who pretended to be the friends of the people, should thus attempt to deprive them of the best sources of consolation here, and of hope hereafter?—The second subject alluded to in the speech was one of the highest importance. The House was called together at this unusual season in consequence of the disturbed and alarming state in which some districts of the country were placed. He need not remind them of the general and eager anxiety with which the present meeting of parliament was viewed by all classes. Never perhaps was there a period when the eyes of the nation were more attentively fixed on them; when public curiosity was more anxiously turned on their proceedings. When late events were taken into consideration, the insidious and persevering attempts made to undermine the foundations of the constitution, to make religion a subject of mockery, and thereby to enervate the influence of the laws; when persons were heard proclaiming doctrines of the most dangerous nature, and inculcating them on assembled multitudes with all their force and zeal, doctrines utterly destructive of religion, of law, of happiness; when all this was considered, they must feel confident that an occasion more important than the present could not possibly arise. He trusted he should be borne out in his appeal to the House, whether under such circumstances, and in such times, the difficulties were not such as ought to form a point of union for both sides of the House—whether they were not such as should unite the suffrages of all, in some strong, though temporary measures equally for the advantage of all. The constitution was now threatened; that constitution, which in his soul he believed to be, above all other human institutions, the best calculated to secure and preserve the happiness of a nation. To it they were indebted for all that was most valuable in life. It was the system best adapted to the preservation of their rights: the system which afforded the greatest protection against the encroachments of oppressive power, from whatever quarter its attacks might be directed. He should not attempt to dwell upon this subject. He felt himself

inadequate to describe in fit terms the blessings they enjoyed from that constitution, so long the boast of all who lived under it, and the admiration of the wisest and best of men. The most able eulogist, the most eloquent man that ever opened his lips within the walls of that House, could not touch upon such a subject without feeling his inability to do it justice. To support this constitution was their first and most important duty. If it was allowed on all hands that attempts were making to overthrow it, that designs for that purpose had been long in active progress, and so far from ceasing were gaining strength; if the proofs of this were so manifest as to require no confirmation, it was their first duty to stand forward for its preservation, to cling with one accord to that bulwark of their rights, to protect, preserve, and hand down to posterity the blessings it afforded. If danger did in reality exist, the question now was, from what quarter did it come; and if once ascertained, it was natural and constitutional to ask the House, whether they should suffer the cause any longer to exist? If he thought it proceeded from the Crown, he should in that event be as willing to come forward in the performance of a public duty as he was at present. It could not, however, be traced to such a source. Ministers acted in the usual way, upon those recognised constitutional principles from which no danger could be apprehended. Feeling convinced, therefore, that the cause of apprehension could not be traced to the Crown, they must look for the source of it elsewhere. When they considered what had been lately done in various parts of the country, the meetings that had taken place, the manner in which those meetings were held, the sentiments expressed by the leading speakers, their flags, and their whole system of proceeding, was it not clear that dangerous attempts were in preparation, and was it not equally clear from whence those attempts were to be apprehended? The danger could not be referred to the conduct of ministers. They adhered to established customs, and adhered to them perhaps too strictly, under existing circumstances, under the systematic endeavours now making to overturn all law and social order, every blessing, civil as well as religious. Every man who considered events with attention, must feel that the danger did not proceed from the Crown, and if it did exist he would again appeal to the House, whether it was not fit it should be repressed—whether all should not unite their endeavours to put it down? It would be lamentable indeed, if, upon the present occasion, any party feelings existing in the House could be made instrumental towards their purpose by those whose object was to overturn the constitution. He trusted, that upon the present occasion no consideration of that kind would be allowed to operate, and that they would all concur towards the removal of a danger that threatened the happiness, the life, and the property of all. In quiet times he approved of a regular opposition; but when imminent peril threatened the country, it was not a fit occasion for that sort of political hostility which, under other circumstances, had its advantages. If, then, the danger existed, and could not be traced to the Crown, from whence did it proceed? From whence, but from the sources alluded to in the speech from the throne? From men who strove to instil into the minds of the people a tendency to sedition—from persons bankrupt alike in property, in knowledge, in character, and principle,—from a set of demagogues more infamous if possible, than the detestable object to which they aspired. Had they not seen them use every means within their reach to create sedition and disaffection, to undermine all principles of loyalty and morality, to destroy and confound all the common feelings of humanity? It was notorious that they endeavoured, and were unfortunately too successful, to induce the poor to look forward to the possessions of the rich. It was impossible, even upon a superficial view, not to see what their object was. Not only had they done all this—they even strove to aggravate the distress, that they might thereby increase the troubles of the country. It was notorious, that during the late harvest the surplus population of the manufacturing districts did not proceed as usual from one county to another in which there was a demand for labour. They remained at home, and thereby increased the distress. This was to be attributed to no other cause, but the meetings, the speeches, and the publications of which they had lately heard so much. The leaders at those meetings, and the persons who composed them talked of reform; but what did the word reform mean with them? Was it employed in the usual sense of a calm, temperate,

and moderate change of measures? in the sense applied to it in other times and by other men? No such thing. With them reform meant, if it meant any thing, such an alteration as it would be impossible to adopt without ruin to the constitution. As they used it, it did not apply to any mode of reform ever before suggested. It took in universal suffrage and vote by ballot. It was in fact a cant term, and meant nothing less than Revolution. All these alarming proceedings, however, it was said, arose only from the natural workings of a free constitution, and that no real danger existed. He wished it might be the case; but when he considered the information received from various parts of the country, the efforts made to bring large bodies of men together from distant parts, the doctrines preached up to them, their military organisation, their flags and all the other attendant circumstances, he could not consider their plans innocent. It should be recollected that in 1816, those who were anxious to produce revolution expressed their determination to carry on the system by occasional meetings for the purpose, as they stated, of giving confidence to their adherents by a display of their strength. This was the plan proposed for effecting their object. Had they not, accordingly, from that period forward witnessed their meetings, from time to time, at various places, and that they became more numerous every day? It was notorious that they pursued a plan of military organisation. To what else could be attributed their regularly marching from place to place, with banners and flags inscribed with mottos of a most treasonable nature? With respect to these and various other points, he did not pretend to have his information from more than the common sources of intelligence, but it was evident that such proceedings could arise from nothing less than designs of a dangerous tendency. What must be the feelings of peaceable inhabitants under such circumstances? In the towns where they took place it was impossible that the people could feel their houses, their lives, or their property secure. He would put it to the House, whether, if such things were to be continued, the law, as it stood, could be sufficient for protection? How could it be sufficient, when an attempt to comply with the letter of the law, as it stood, had a directly contrary effect? As to the principal actors in those troubles, their study, was, at least they pretended to adhere strictly to law in the manner of calling and holding their meetings; but who was so blind as not to see that this was mere pretence, that they acted in this manner for no other purpose than the better to accomplish their nefarious views? —There was one subject much talked of, upon which he should decline giving any opinion at present. It was natural, however, to expect, that upon an occasion like the present, he should allude to it. He had not sufficient information to give a decided opinion; but he wished it to be understood, that, judging from the intelligence he had hitherto any opportunity of receiving, he saw no reason why the examination of the matter should be taken out of the usual course. He was not disposed to enter into discussions on subjects of law, nor was he acquainted with them; but there was one principle which he thought a most just and proper one, namely, that every Englishman should be presumed innocent until he had been declared guilty by a jury of his countrymen. If this principle was in any one instance carried further than in another, it was with respect to the persons who composed the Manchester meeting. Their innocence was the theme of much declamation, and of many publications. They had the full benefit of the principle. There was, however, another maxim not less just, namely, that no man should be put upon his trial until he was before a jury. With respect to the magistrates and yeomanry in the affair alluded to, he must say that this maxim was not very anxiously observed. They were, on the contrary, before their case came to be heard by any jury, unhesitatingly pronounced guilty. They were treated in a manner which to him appeared most unfair. When it appeared that a grand jury, upon their oath, and upon evidence received upon oath, did not find bills of indictment against them, this might not be thought sufficient, but when he reflected on all the circumstances, he must say, that there did not seem to him sufficient ground for taking this matter out of the usual course. It would not be fair and just, while a subject was before a court of law, to bring it before another tribunal. He was aware of the delicacy of this question, but still he felt it his duty to make some allusion to it. He did not mean to imply blame, but he lamented the attempts made in certain quarters to inflame the passions

of the people with respect to this unfortunate transaction. These attempts were repeated by those who had the means within reach, by publication, of giving them additional force. He was desirous that the distinction between those who opposed the government, and those who opposed the existing order of things, might be strictly defined and made known. He knew the distinction was as broad as possible; but still it was important that it should be broadly expressed; nor should it be omitted, under existing circumstances, from a wish which naturally enough might prevail of leaning to one side for the purpose of gaining strength to a party.—There was another part of the speech which he felt it necessary to touch upon; the increase of the military force of the country. Now that they were at peace with foreign powers, and that there was every prospect of better times, it was greatly to be lamented that a necessity should have arisen for making any addition to the army, for the protection of the peaceable and well-disposed. If, however, they required such protection, it was the duty of government to afford it. What would be their feelings, if family, life, property, and all they held dear, were to be left in times of danger without necessary protection? Strong measures, at least for a short time, were now perhaps as necessary as at any former period; all should unite to preserve the existing order of things. This determination once made manifest, and these measures once adopted, would show the country that they were determined not to allow the mischievous plans now contemplated to proceed any further. If the exertions of the country were thus once roused, it would soon put an end to the views of the men who sought the overthrow of the constitution. He hoped the sentiments and information conveyed in the speech from the throne would have their effect, and that every thing would be done to check the diabolical system now in progress. Having said thus much, he should not trouble the House further, but should conclude by moving,

"That an humble Address be presented to his royal highness the Prince Regent, to return the thanks of this House to his Royal Highness for his most gracious speech from the throne:

"To express to his Royal Highness the great concern with which we receive the intimation of the continuance of his majesty's lamented indisposition.

"To assure his Royal Highness that we learn with the deepest regret that the seditious practices so long prevalent in some of the manufacturing districts of the country have been continued with increased activity since we were last assembled in parliament; that they have led to proceedings incompatible with the peaceful habits of the industrious classes of the community: and that a spirit is now fully manifested utterly hostile to the constitution of this kingdom, and aiming not only at the change of those political institutions which have hitherto constituted the pride and security of this country, but at the subversion of the rights of property, and of all order in society:

"To return our thanks to his Royal Highness for his gracious intention to lay before parliament the necessary information on this subject; and to assure his Royal Highness, that we shall not fail to apply our immediate and most anxious attention to the consideration of such measures as may be found requisite for the counteraction and suppression of a system which, if not effectually checked, must bring confusion and ruin on the nation;

"To thank his Royal Highness for having directed the estimates for the ensuing year to be laid before us:

"To assure his Royal Highness that while we regret the necessity of providing for the protection of the lives and property of his majesty's loyal subjects by any addition to our military force, we shall be happy to find that the arrangements for this purpose have been made in the manner likely to be least burthensome to the country:

"To express our satisfaction at being informed, that though the revenue has undergone some fluctuations, it appears to be again in a course of progressive improvement:

"That we deeply lament with his Royal Highness the distress experienced by many of our fellow subjects in consequence of the depression which still continues to exist in some branches of our manufactures, and earnestly join in the hope expressed by his Royal Highness that it may be found to arise from causes of a temporary nature:

"That we hear with much satisfaction the friendly disposition of foreign powers towards this country, and gratefully acknowledge his Royal Highness's anxious wish to take advantage of this season of peace to secure and advance our in-

ternal prosperity, fully sensible however that the successful prosecution of this important object must essentially depend on the preservation of domestic tranquillity:

"To assure his Royal Highness that he may rely with the most perfect confidence on the loyalty of the great body of the people; but that we are at the same time fully convinced, that it will require our utmost vigilance and exertion, collectively and individually, to check the dissemination of the doctrines of treason and impiety, and to impress upon the minds of all classes of his majesty's subjects, that it is from the cultivation of the principles of religion, and from a just subordination to lawful authority, that we can alone expect the continuance of that Divine favour and protection which has hitherto been so signally experienced by this kingdom."

Mr. *Edward Cust* said:—In rising, Sir, to second the motion of my hon. friend, I feel that I have to appeal to the more than ordinary indulgence of the House, inasmuch as I now, for the very first time in my life venture to address any public assembly, much less one like the present, in which my inferiority is so evidently apparent; nor, can I hold out as an excuse for my presumption in presenting myself to their notice any hopes of recompensing them for their time and their patience by force of language or extent of information which those of my predecessors on this duty may have afforded, who have had leisure and opportunity of devoting their early years to those studies which are more essentially useful to a member of parliament; mine has been passed in a profession which did not afford me such advantages, and in the prosecution of duties not at all analogous to those which I have now taken upon myself to perform. I think, Sir, there never was a time in which it would be more fortunate that unanimity in this House should prevail, than the present. The eyes of the country, and almost of the world, are turned upon us to learn our sentiments at this momentous period, when a party, humble, it is true, in the origin and the importance of its votaries, but not at all mean, if we may judge of their proceedings, in the abilities of their leaders, whoever they are, have, by a series of the almost unwarrantable exertions of their rights, created so great a ferment in the country, and assumed a position, so formidable, as to impress upon the peaceable and well-disposed part of the community a well-founded apprehension as to their ulterior designs. His royal highness the Prince Regent, certainly not needlessly alarmed, but with a well-founded confidence in the wisdom and the counsels of his parliament, has called us together at a period much earlier than of late years it has been customary, that he might be informed as to the extent of the danger, and be advised in the remedy for it. I am sure that the House will fully participate in what has fallen from my hon. friend, as to the beneficial effects this country has derived from the character and example of our excellent and venerable sovereign, and I am sure, there is not an individual in this House or in the country, who does not at the mere mention of his beloved and revered name, recur with pleasure to the many virtues that adorned his character, and to the eminent services that he rendered to his country. But, Sir, whilst we all deeply deplore the severe calamity which it has pleased Providence to visit him with, we may perhaps be allowed to rejoice that, it is not permitted him to know, that his people, whom his firmness and perseverance saved in the hour of the greatest danger, when the principles which were then first broached by the French revolution were new, and the pernicious effects of them unknown, are, now that they are become matter of history and example, preparing to transfer to the page of our history the follies, as well as the eccentric crimes (as they have been called) of that great school of iniquity. I think it will scarcely be denied that a very bad and dangerous spirit exists in the country—a spirit which takes delight in browbeating our judges in their judgment seats, and in abusing all indiscriminately who are placed high by birth or situation in the country. It is no longer the echo only of that abuse which has been so lavishly levelled against every measure of every minister of the Crown for the last century, and which is likely soon to become the only perquisite of office. It now aspires to attack the Crown itself, and all who are placed in authority under it. To be a member of the aristocracy is declared to be a member of corruption, and even those of the democracy are alone pure who wear white hats, or have lungs strong enough to address a Smithfield meeting. That reform is the declared and only alleged cause of the discontents that have,

for the last few years, prevailed in this kingdom is, by the discontented themselves, avowed; nor have they hesitated to acknowledge, that they will obtain it by physical force if they cannot do so by other means. This is not now the time to discuss that question; but I may perhaps be allowed to remark, that innovation, at all times hazardous, is incontestibly dangerous, when backed by threats and clamour. But I trust, Sir, we are Britons still, and not to be frightened by the open declarations of the former, nor to be bullied into compliance against our judgments by the unceasing efforts of the latter. I am not one of those who conceive that reform is, in every one's mouth, the watchword of rebellion, nor that we are to conceive ourselves upon the eve of a revolution whenever that subject is mooted; but I must say, that such wholesale attempts at improvement are more likely to be dangerous than beneficial; and a question which is so evidently directed against the prejudices which always attend existing things, merits at least more dispassionate inquiry than we seemed inclined to bring to the question; and it is but fair to ask, what advantages have we in prospect that would at all compensate for the risk we run in attempting such a change in our situation? It is not for me, Sir, to state, nor is this the opportunity to discuss what may be the measures to be proposed, to use the words of his royal highness's speech, "for the counteraction and suppression of a system which, if not effectually checked, must bring confusion and ruin on the nation;" but I would say to those who profess to see in any measures, a revolution at hand from the encroachment of the Crown, if, indeed, there are men in these days who really believe this (and I must own, I can scarcely credit the public prints when they register it as the expressed opinion of a peer of the realm), to them, if they exist in the plural number, I would say, that assuredly the best plan to prevent our liberties from being encroached upon is, to quench the spirit which affords the excuse for it. It has been an opinion given in the House by an hon. and learned gentleman opposite, that the best way to effect this, is by employing sound reasoning and rational argument. To him I believe, Sir, we must leave this Herculean task; but I think the country has some reason to complain, that, as from the applause which was stated to have followed that sentiment, it was led to believe it was the opinion of the gentlemen with whom he is in the habit of acting, no attempt of this sort has been made by them, seeing that they profess to possess the confidence of the people. Assuredly if it is practicable at all, it can only be employed by those to whom the people will listen. We certainly cannot expect from them a confession of the sad state they are fallen into in this respect; but perhaps we shall find the best excuse for the omission, in the known fact, that the people will not listen to them, unless they have a radical reformer at their elbow. That measures of some sort are necessary, will not, I think, be denied; but the House is not called upon by my hon. friend to pledge itself as to the nature and extent of those measures. I should hope that the gentlemen opposite will refrain from disturbing the unanimity which I hope will attend this night's debate, by confounding the nature of those measures with their necessity. The latter may fairly be considered as part of the question before the House, and whether the former be conviction, conciliation, or concession, can alone be fairly argued when that matter is brought regularly before the House. I am aware that some gentlemen who are come up from parts of the country where the utmost tranquillity prevails, believe the alarm that has been spread to have been exaggerated, because there has been no cause for it in their own immediate neighbourhood; but I think, upon reflection, they will be satisfied that there must be some other object to be attained than a legitimate redress of grievances, from incessant meetings of multitudes, simultaneously assembled in various parts of the country, not assembling at their own homes and habitations, but marching with all the pride, pomp, and circumstance of war, from distant parts to their places of rendezvous. And here the House will have the goodness to remark, that those rendezvous were in the heart of populous districts, not arrayed as in prosecution of their ordinary occupation, but armed with weapons of defence, attended with republican and revolutionary emblems, and with banners and music in military array, according to the common-sense interpretation of the expression, however lawyers may dispute the propriety of it. Assuredly the well-disposed citizens of those towns, equally alive to the interests of the country with these

self-termed patriots, have a good claim upon our interference and protection, that they may not be interrupted in their daily occupations, nor be exposed to the caprice of a mob, the temper of which no one can measure. It has been maintained by some, I know, that the tranquillity which has attended the late meetings throughout the country, is a proof that no restrictive measures at all are necessary; but I would implore the House not to be led away by such delusive appearances, nor to wait until anarchy and atheism stalk openly over the land, before it stretches forth its authority to stay them. Yes, Sir, there has undoubtedly been an appearance of tranquillity; but it is the tranquillity of a lion waiting for his prey. There has been the apparent absence of danger; but it is that in a fire half smothered by the weight of its own combustible materials, which is ready to blaze forth again upon the least accidental movement. It is the suspense of disaffected persons, partly alarmed at the magnitude of their own intentions, and partly appalled by the preparations used against them. Nor will the House fail to remark the specious pretext it affords them for declaiming against those preparations, while it at the same time affords them a cloak under which they can carry on their ulterior designs. But, Sir, if the meetings themselves have been peaceable (and I have too good an opinion of John Bull to believe he would ever be otherwise, unless seduced and imposed upon), what shall be said of the resolutions that have emanated from them? Take, for example, the 6th and 7th resolutions of the late meeting for Middlesex, where it is openly declared, that if parliament shall enact any measures which are contrary to their philosophy, it is not to be considered a statute, but an error or corruption, and ought resolutely to be holden for naught. Under what definition of returning tranquillity may I ask, is such doctrine as this to be included? With regard to the increase of the military force of the country, of course the House will receive the necessary information from those whose duty it is to afford it: of course the executive power is bound to afford protection to the lives and property of his majesty's subjects. But as it is always an object of such proper constitutional jealousy to employ the military upon this duty, we have a right to expect the fullest evidence of its necessity; but I think we have very good presumptive evidence of that, from the known character of the gallant general who commands in the disturbed districts. Nobody will, I think, accuse him of being an alarmist; or, were he so accused, he would receive an instant exculpation from the mouth of every British officer or soldier who has seen him before an enemy, and who can nobly testify that he never knew fear, excepting that of sacrificing his gallant countrymen. It was, I presume, upon his report of the state of the district in which he commands, that it was considered necessary to increase the military force intrusted to him. This necessarily drained the rest of the country of troops, and although there was no immediate necessity for troops in the counties where every thing was quiet, it was impossible to say how soon these pedlars of sedition might carry their wares of discord into the most peaceable regions. But, Sir, my hon. friend calls upon the House for no approbation on this point. It is resolved into the question of the seditious practices, the evidences of which his royal highness has promised to lay before us, and there will be a still farther opportunity of discussing it, when the army estimates are before the House. All that the House is called upon by my hon. friend to approve is, that this object has been accomplished in the manner least burthensome to the people. I think, Sir, it would be unnecessarily taking up the time of the House to say a word upon this subject. The men who have been embodied in consequence, have been receiving in retirement the full amount of pay, for which they are now called upon to serve their country; and, dividing the question, as the House ought in fairness to do, of the expediency of calling out any troops, and the manner in which it has been provided, I think there will be but one opinion in the House upon the latter. It will, as I conceive, only afford pleasure to those sober patriots who have determined to drink no excisable liquors, unless they have been smuggled, that the revenue in the last quarter has been deficient; but it must give sincere pleasure to all to hear that it has already begun to improve. It is not, I think, at any time a fair conclusion for despondency that the revenue in any one quarter has been deficient: various causes may occasion this. The result of the whole year is the only true criterion; and of that his royal highness's assurances afford a prospect; and if it is already in a

state of improvement, we have good reason to hope that we shall not be disappointed.—Sir, it must afford all parties the sincerest gratification to find that the peace of Europe remains undisturbed, and the assurances his royal highness has received of the peaceful disposition of foreign powers, receives additional weight from the testimony of travellers as to the disposition of the people over whom they govern. The nations of the continent, not so blest as we in the hour of danger, know too well the calamities of war to hazard a recurrence, and tired of speculative opinions by which they have so much suffered, they are anxious to make use of this season of repose to recover from the pernicious effects of them, and to improve their moral condition. I wish I could also add, that I saw any prospect of improvement in their political; but the name of liberty has been so polluted by some of its modern professors, that it may well be a question with them whether they had not,

"—— Rather bear the ills they have,
Than fly to others that they know not of."

It must give sincere regret to the real friends of liberty that this prostitution of her name prevents the dissemination of her benefits, and thus

"Enterprises of great pith and moment
With this regard their currents turn away,
And lose the name of action."

I am sure, Sir, his Royal Highness need not doubt that parliament will make every exertion in its power to advance our internal prosperity, and, notwithstanding the abuse which is so unsparingly levelled at it by the factious and the turbulent, it merits the applause of the world by its unremitting efforts in the cause of humanity. The House of Commons, Sir, best refutes the calumnies that are heaped upon it by its unceasing efforts to do good, and presents, indeed, much to that heart who can descry nothing but abuses, when we behold the time and the talents of the ablest and best men in the country gratuitously employed in it to ameliorate the condition of their fellow-creatures, whether the sick or the poor, the prisoner or the slave; and it is worth while for the country to consider, whether, when the pseudo-patriots of the present day shall have reformed this House according to their ideas of its pristine excellence, we shall find them as ready or as capable to attend to the condition of the poor and destitute, or to excite, as the House of Commons has done, the emulation and applause of rival nations. I am sure, Sir, it must be the cause of sincere regret to every well-wisher of his country, to see the progress which infidelity and impiety have made in the country. Good God! that Britain, the nurse of morality and protectress of religion, when she was almost an outcast, should have the disgrace of having it recorded in her annals, that within the walls of an English court of justice, Christianity was impugned, and that it was declared, and attempted to be maintained, that the Holy Book, incontestibly proved by the evidence of a nation hostile to our belief, to be of Divine origin, that the oracles of the living God was declared to be a blasphemy and a lie! Will it be said there is no cause for alarm in such doctrine; or can it be urged that it is but the opinion of an individual, and not connected with the spirit that is abroad? Would that I could persuade myself it were so; but what says the convicted wretch himself of the profits of his iniquitous trade? How many honest bosoms, alas! may have been infected with this doctrine of hell? Into how many houses may it not have found its way, where sedition has already opened the door; where the wife perhaps is a member of the Female Reform Society; and the children of the Juvenile? And will not she who has sworn to instil into the minds of her progeny contempt for all allegiance and all authority, be easily induced to include that of a disbelief in the word of God? But, Sir, we must not forget, that religion has received a blow before; the liturgy of the church of England is, to the members of that church almost as dear as the Bible itself; but yet this has been reviled and scoffed at, and what is worse, its scoffers not only escaped punishment but met with encouragement. I complain not of the jury who returned their verdict; there may have been a lack of evidence to bring the fact home to the accused; for aught I know it is not an offence against the statute. But, Sir, if it is not one, it is assuredly high time it should be made one. It is not the cause of one religion alone, but of all religions: Jews and Christians, Catholics and Protestants, all are alike interested in upholding the precepts of religion, for if it is fundamentally attacked in one, it is virtually so in all; and in what are we elevated above the savage and the slave, but in the knowledge and worship of the true God?

I feel, Sir, I have ill requited the kind attention of the House by the call I have made upon its patience; but I will conclude by earnestly imploring the House to sink all party differences upon this occasion, and whether Whig or Tory, or Reformer, that they will unite in conveying to the throne their unanimous determination to suppress a system which brings liberty into disgrace by debasing it, and which is not more directed against the throne, than against the real happiness and interests of the people; and that they will show by their unanimity to-night, to the country and to the world, that however they may differ in their opinions as to the means of bettering their country, they are all equally alive to its salvation, and that violence and clamour will only make them closer rally round the constitution as it is—*pro aris et focis.*

Mr. *Tierney* rose. He said, that the ordinary manner in which a speech from the throne was received was, that no gentleman should oppose the address unless it contained something directly committing the House. He had little inclination, in the present instance, to deviate from the usual practice, especially after the construction that had been put upon the address by the hon. mover and seconder, from which it appeared, that all that was stated in the royal speech as assertion, would on some future occasion be made out by the papers to be presented to parliament. If those facts were not established, his temporary concurrence in what the address contained would of course be revoked. Although he might give his assent thus qualified to what had just been read from the chair, he felt called upon to say, that it did not comprise all that, under the circumstances of the country, it ought to have included. Looking at those circumstances, he felt that he was imperatively called upon to claim the attention of the House to an amendment he should in conclusion submit. He was as much aware as any man, indeed, more than many men who had not had the same parliamentary experience, of the inconvenience of offering an amendment on the first day of a session, because many persons who did not object to the matter of an amendment, resisted it merely because it was presented in that obnoxious shape; he should therefore have abstained, had he felt that the important object he had in view could be otherwise as satisfactorily accomplished. As the kingdom was now situated, it was the duty of every member not to lose a moment in coming forward to state his opinion fairly and freely to the world, not merely by an acquiescence in an echo of the royal speech, but by a full disclosure of the sentiments by which he was actuated. No man could feel more deeply than himself the melancholy condition in which the country was placed: no man, he assured the hon. mover, could have heard with more disgust, with more abhorrence, than he had, the blasphemous doctrines, the farther promulgation of which the laws had now happily suppressed. This was not a subject on which he wished to enlarge, because the present was not the most fit occasion: he would only state generally, that the abhorrence he had felt was not exceeded by that of any gentleman present. It was attended, however, with this great consolation—a consolation in which others participated—that however extensive and daring the evil might be, it had been seen that the law was able to correct it. He did not believe that impiety, as some contended, had been widely spread; and it was his firm conviction, from what he had seen of various parts of the kingdom, and from the comparison he had been able to make with other countries, that a nation more pious, more devoted to its duty to God, and more sincere in its religion, was not to be found in the whole circuit of the globe. He had a right to express his confidence in this persuasion the more decidedly, because it had been stated on the other side of the House, and generally allowed, that the piety of the country had so enlarged itself, that the churches already built were not able to contain it. There was not room enough in the ordinary places of worship for the surplus piety (if he might so call it) of the country; and it became absolutely necessary to erect a number of new churches. It was therefore somewhat strange to hear it now urged, that such had been the rapid progress of impiety that the laws of the country were incompetent to put it down. If they were incompetent, he was ready instantly to vote for new laws; but he had yet seen nothing which did not prove that backed by the honest, upright, and christian feeling of every jury in the kingdom, they were amply sufficient. The political state of the country was very different: dissatisfaction or disaffection, by

some called treason, pervaded the kingdom or, more properly, certain quarters of the kingdom: for he was happy to say, that it did not extend beyond the manufacturing districts. He was quite ready to admit, that if the existing laws were not adequate to remove it, or prevent its consequences —if treason or insurrection could not be quelled by laws now in force, new ones ought to be passed, and that without delay; but had that case been made out? or could it be made out? He desired to be distinctly understood as not setting his face against additional and extraordinary measures, if the necessity were shown; but, at the same time he was anxious to guard himself against a supposed admission, that the existing laws were not sufficient to maintain obedience and tranquillity. He believed at present (but he might be wrong), that nothing was wanting but a vigilant and wholesome exertion of the magistracy—nothing but fairness and firmness on the part of the government—to do all that the law authorized, and the circumstances required. If, on the other hand, no such disposition existed, and if the people were taught by facts to believe, that the existing law was not equally administered to all ranks, not only new laws might be required, but he would go further, and say, that he knew not what new laws could be devised that would be effectual in keeping down a people that had no respect for the government and the constituted authorities of the land. The House would do him the justice to recollect, that he had always represented that what was now witnessed would be the result. He had long since warned ministers, though in vain, on the subject of taxation, which had grown worse and worse, and heavier and heavier from day to day, until at last the burthen was intolerable. He had told them, over and over again, that the resources of the country, great as they undoubtedly were, were not inexhaustible: they had more confidence in them than he had felt: he had seen millions after millions voted, and spent as soon as voted—nay, sometimes before they were voted; and he had been called almost an enemy to social order and happiness, because he had maintained, that the day would ere long arrive, when it would be seen that he was not in the wrong, and that it would have been better for ministers to have paused in their career of profusion, and confined their lavish expenditure to narrower limits. Where, then, was the real root of all our grievances? The pressure of taxes—a pressure which the country could not bear; by which more was to be extracted from its inhabitants than they could produce, consistently with their own reasonable comforts and conveniences. The nation was over-taxed, and that was the root of the evil. This was strong language, but not too strong: facts compelled him to use it; and a dreary prospect of those facts had formerly compelled him to declare the same opinions. Gentlemen on the other side never could be brought to admit, that any thing could possibly be wrong on the subject of taxation and revenue. It was here that they held themselves immaculate and above instruction. Even in the speech just delivered from the throne, there was what he should call, but that it proceeded from the royal lips, a miserable attempt to raise a fallacious hope. It was said that there had been some fluctuation in the revenue, and from thence it was inferred, that a continued improvement must take place; this was a wretched expedient—a poor attempt on the part of ministers to avail themselves of a temporary rise, artificially produced, and which could not be progressive, to delude the country with the empty vision of returning prosperity. It only showed how much the revenue sympathised with the meeting or prorogation of parliament: when the Houses assembled, it was contrived that the revenue should be always better, and when they adjourned, it gradually proceeded from bad to worse. It was not necessary to trouble the House by reading it; for it could scarcely be forgotten, that only nine months ago the country was congratulated from the throne on the commerce, the revenue, and the trade of the kingdom being in the most flourishing condition. These were the very words employed. Did ministers believe what they then asserted? If they did not, they had imposed upon the nation; and if they did, the House ought never again to listen to such men on any subject, much less on the subject of finance. An artificial and temporary improvement was called a fluctuation; and then it was idly held out that things were rapidly coming round, and that prosperity would soon be restored. This might be a pleasant topic for a royal speech; but it was most mischievous in the country; and only showed how radically wrong matters must be,

when, in the face of all the distress by which the people were afflicted, ministers attempted a delusion, by stating, that, if there were any distress at all, it would quickly be removed by the gradual and certain improvement of the revenue. He asserted, without fear of contradiction from any merchant in the realm, that such a stagnation of trade was never before known. Ask any and every manufacturer what was the state of his business, and what would be the answer? It never was at a lower ebb; and within a short time meetings of the agriculturists had been held, at which it was declared, that some assistance was necessary for them. The labouring classes would assert, and with truth, that wages were so low that they could not maintain their families by their severest exertions; and the paltry pittance of the poor-laws, to eke out a miserable subsistence, while it did not furnish support, weakened and broke down the honest and upright spirit of industry which used to be the happy characteristic of the people of England. Seeing all this, was it necessary to talk about sedition and treason? Treason and sedition he did not believe existed; but who could hope that the great body of the nation would not be in a state of miserable discontent? Could it be otherwise? He was an alarmist—an alarmist to a certain extent, though not, perhaps, on the grounds that many other gentlemen rested their fears. Every man was in terror; and his apprehensions grew out of what he best understood; but he felt as much general alarm as any man in the House; and it might not be improper for him to state a few of the causes of that alarm, and of the mischiefs that now afflicted the land. He was bound to speak out; and though liable to misconstruction, and though a clamour might be raised against him, he was determined to do his duty to his country and to himself. His settled conviction was, that there did not exist among the inhabitants of the country that confidence in the House of Commons that could be wished [continual cheers from the Opposition side]. That conviction did not pervade merely those who, to give every thing a name, had been called radicals; but it had penetrated much further and much higher; and many of those who wisely condemned the visionary schemes of reform at present afloat, were satisfied that there was something wrong in the state of representation, or the nation could never have been reduced to the condition in which it now found itself. What had reduced it to that condition? Had the House refused to ministers any of the means of carrying on war? Had it been sparing in its votes for national improvements? Had it refused to make new laws when they were asked for? Had it resisted the raising of additional troops? or had it, in short, objected to comply with any request ministers thought fit to make? Certainly not. How happened it, then, that in the result the revenue was so deficient; that trade was stagnated; that the stocks fell; and that the House was to be told that there was not law enough to control sedition, or troops enough to prevent rebellion? How happened all these things; and above all, how could ministers now venture to demand that new confidence should be reposed in them for having thus brought the nation to the brink of ruin and despair? These were not merely the opinions of the radicals in public meetings, but of sober, discreet men in private societies. Though they were unwilling to make an open avowal of their sentiments, they entertained them in fact, and parliamentary reform had been gradually working its way for years; and it was now almost universally admitted, that the great mass of the people did not feel that the present state of the representation was beneficial to them. It would be to bely the sentiments he had entertained through life, if he denied that he was honestly and sincerely a friend to parliamentary reform. Yet he was in no way a radical reformer; and he thanked the hon. mover for his fairness in admitting that there might be distinctions in the different classes of reformers. If asked whether he had not changed some of his opinions upon this subject, he would freely confess that he had: he was not ashamed to confess that as he became older, if he had not become wiser, he had at least become more cautious; and for many of the schemes to which he had formerly listened with ardour, he was not now so warm an advocate. That great improvements might, however, be made in the state of the representation—that those great alterations might be accomplished, not only without the smallest hazard, but with additional safety to the constitution, was as undeniable as that the majority of the nation demanded that those improvements should be effected.

The question of parliamentary reform was first started during the American war; it was afterwards supported by Mr. Pitt, who did more than any man to diffuse a general inclination in its favour. It afterwards slept for some few years when he abandoned it; and it might still have continued to slumber had the nation found that the House of Commons, as at present formed, was practically beneficial. But, finding every day that things grew worse and worse—that the burden of taxes was increased, while the means of paying them were annihilated—the nation now again insisted on a remedy; and it was not unreasonable that they should look for that remedy in a change in the representation. The nation laid the blame on the House of Commons, which called itself the guardian of the public purse: if the public money had been squandered and misapplied, were ought the blame to rest but with the House of Commons? The House claimed to itself the privilege of maintaining the rights of the people, and of seeing that the laws were equally enforced. Had those laws been fairly administered? And if not, who was held responsible to the people? There were three branches in the constitution—two permanent and one elective; and whose conduct from day to day must be a subject of discussion, unless an abstract idea of representation could be formed. If that conduct was wise and temperate, many blessings would ensue; but if it was, careless and extravagant, endless mischiefs would arise, Had those mischiefs arisen? With regard to plans of reform, it was unfortunately but too true, that some men in this country entertained the strangest and most extravagant notions of parliamentary reform: and here he begged to be understood to be as much an enemy as any man to what were called the radical leaders: he was as willing as any man to mark in the strongest terms his contempt of their understanding, his disgust at their proceedings, and his jealousy of their objects. Some had availed themselves of a clamour for parliamentary reform to accomplish their own purposes; some had been guided only by excessive vanity, and a wish to be distinguished as popular leaders; and some from a sheer paucity of intellect had come forward, without understanding, or attempting to understand a syllable of the project they supported. In a few instances bad men might be linked by bad designs—designs that aimed at utter destruction; and such being his opinion of radical leaders, he thought he now stood fair and above board with the House on this great question.—The hon. mover had wished distinctions to be drawn: he (Mr. Tierney) had now drawn them, and without using harsher language towards men at present on their trials, he hoped he should not be misunderstood. In characterising the radicals as he had done, he had been actuated by no rancour; and he did not think the other side would charge him with too great partiality; for it was certainly impossible to conceive any set of gentlemen under less obligations to the radicals than the whigs were. True it was that ministers came in for a share of abuse and disapprobation; but it was mild and merciful compared with the castigation which their opponents received. The right hon. gentleman who were in office were unpopular with the radicals; but the unfortunate Whigs, who had long left office, came in for a sort of *post obit* of unpopularity. He was thoroughly convinced, that if many of the seditious publications had not obtained such violent vituperations of the opposition, government and their friends would have been much more active in putting an end to their circulation and punishing their authors. There might be some madness in these effusions, but there was a great deal of method in it, and ministers took care to avail themselves of it. They argued in this way—" If we do not do something against these pamphleteers, we shall increase sedition, it is true; but if we put an end to them, we shall let our enemies go scot-free; therefore we will not be too severe with these seditious gentlemen, in order that we may not be too merciful to the Whigs" [cheers from the Opposition benches].—He had thus fairly stated his opinion on the state of the country: he hoped he should not be misunderstood: and he repeated, that there did exist out of doors a general want of confidence in the House; for even sober men began to be satisfied that the practical inconveniences they suffered, and which had been increasing for the last twenty years, were attributable to a defect in the representation. The doctrines of universal suffrage and annual parliaments was unquestionably a great evil; but, after all, as far as regarded them, it was not of wide extent—it had not many partisans; and though it was

common for the friends of ministers to talk of hundreds of thousands of its supporters, he believed it was a gross mistake or exaggeration. True it was, that men marched from one town to another; but they were the same men at both places, and they were to be looked upon like a company of strollers, who travelled about to perform their parts in different situations: 4,000 or 5,000 of these gentry would make an imposing display when their numbers were swelled by all the curious and unemployed of the large town where they were exhibiting. But if it were possible to separate from the gross mass those who were really and in earnest in favour of universal suffrage, annual parliaments, and the last improvement—vote by ballot, their numbers would be comparatively very small. In no part of Great Britain but the disturbed districts were any friends to it known; and the whole was a scheme which, by the great mass of the people, must be held in contempt, though some few might regard it with an ignorant and fond amazement. What could any man of sense, even among the lower orders, think of that project, by which a respectable baronet (sir Charles Wolseley) was to be returned, and was in fact returned, by the inhabitants of Birmingham, as a legislatorial attorney, to take his seat in the House of Commons? The name of a member of parliament was offensive to his self-enfranchised constituents; and accordingly, as legislatorial attorney he was to undertake this expedition to London: if he had undertaken it, and had carried his promise into effect, he would have found it one of the most inconvenient seats he had ever occupied in his life [a laugh]. The plan had not a shadow of law or understanding about it; and if the non-represented of Birmingham assumed the power of electing one, what reason was there that they should not have returned ten legislatorial attornies to claim or enforce an admission into that House? Such schemes as these satisfied him that there was no real ground for alarm at what was called the radical party in the country: his fears arose from other causes, to which he had already alluded, and which occasioned, in his mind, as much apprehension as he had ever felt in the course of his life, or could have felt had it been his fate to have lived in any of the most momentous periods of our history. Did gentlemen make sufficient allowances when they set their faces so determinately against all kinds of reform? He had said what he thought of the radicals on one side of the question; and he would now make a few remarks on the radicals on the other, and a word or two by the way to the right hon. gentleman opposite (Mr. Canning). He must take leave to say, that that right hon. gentleman was just as much a radical, as those to whose projects he was so strenuously opposed. There were radicals in favour of a complete change of system, and radicals in favour of an undeviating adherence to old customs. One of the latter was the right hon. gentleman, and he was decidedly opposed to every thing in the shape of parliamentary reform: he resisted all degrees of it, from opening close boroughs, to the monstrous proposition of electing legislatorial attornies. But he did not sufficiently take into consideration the different state of the country in point of education now, and thirty, forty, or fifty years ago. The proceedings of the House were formerly wrapped up in a sort of mystery: the debates were only given to the public in brief and imperfect notices, and under Roman names: the power of reading what passed in parliament was not diffused as at present; and could any gentleman at all acquainted with the state of society doubt that the whole population, in the proportion of three to one, now thought itself capable of thoroughly understanding, sifting, and criticising parliamentary proceedings? The blessings of education had been extended by the measures of the House itself; and could any hon. member suppose that its debates and votes had not thereby been often subjected to no very favourable comments? To act like wise men, times and circumstances must always be taken into view; and if the incalculable blessings of diffused information were to cease to be enjoyed, the House must submit to all the criticisms upon its proceedings that men thought themselves justified by the facts and their own knowledge in making. Thus, that which thirty, forty, or fifty years ago, might be thought a wholesome, or at at least a secure course, was now both injurious and dangerous. It was too late for ministers now to say, that they would hear nothing in the way of innovation—that they were well contented with things as they are, or that whatever is is right, and needs no improvement. Men were now capable of forming sound opi-

nions, and at the corner of every street these might be encountered who, by the mere use of the knowledge they had acquired, and by the force of their own strong sense, could bring such assertions and asserters to shame and confusion. If government thought that by passing new laws, by raising new troops, or by the promulgation of loyal addresses, they could put down the awakened spirit of the country, they would find themselves grievously mistaken: the progress of reason was not to be curbed by Crown influence, nor could a military force put an end to the assemblies of the people, who, having received the means, had a right to exercise the power of judging for themselves. Such was the state of affairs up to the 16th August: the hon. mover had felt it his duty not to advert to the events of that day; and much credit was due to him for so doing: he had thus shown that he was not the mere mouth-piece of the Treasury, in dwelling upon the scenes of a day which must be looked upon as one of the most eventful in modern times. Since those transactions, the question had been completely changed; it was now whether parliamentary reform should or should not be agreed to. A new subject of complaint was afforded, and that subject had provoked and occupied all the later meetings which had spread, in despite of ministers, from one end of the kingdom to the other. How, then, was it possible for him (Mr. Tierney) to discharge his duty without demanding inquiry, when he found the whole kingdom, by addresses, calling upon the Prince Regent most earnestly and anxiously for investigation? Yet, when called upon to vote an address in this House, that was the only subject that was to be entirely omitted [Hear]. However painful it might be, not a day ought to be allowed to elapse without the mention of this great topic. He was not prepared to go into the details, nor did he wish the House to do more than pledge itself to acquire all the information that could be obtained, as well to justify the magistrates as to satisfy the country. He would not prejudge a single point; he would not even give an opinion, but would confine himself to the statement of what was known to have occurred, and which, in his view, required immediate explanation. If ever a case had arisen in which explanation was necessary on the first meeting of parliament, it was the present. He found that, on the 16th August, a multitude was assembled—a multitude admitted to be unarmed, for he would not introduce disputed facts; the numbers were differently stated at from 40 to 70,000; and they were suddenly, and without any previous notice, attacked by an armed force; several lost their lives, and hundreds were sorely maimed and wounded. If this was not a case which required immediate investigation, he could only say, that no case ever had or ever would occur that could demand it. He was not here stating who was right or who was wrong: on the contrary, he was willing to make every allowance for the alarmed state of the minds of those gentlemen who had for some time resided in the disturbed districts: a great degree of irritation and party spirit unquestionably prevailed, and differences had long existed between the higher and lower classes in Manchester and its neighbourhood. Yet, with all these admissions, he could not shut his eyes to the fact, that blood had been shed, limbs broken, and many persons reduced to the condition of cripples for the remainder of their lives, in consequence of a transaction, of which it was enough for his purpose to say that he did not understand it. It was a strong case at present, and he hoped, for the credit of the magistracy, that they had a strong case in answer to it. Explanation had not yet been attempted; it had been reserved for some future opportunity, and that opportunity was now arrived. If the House of Commons yet had any respect for the opinions of the people, if it wished to redeem itself at all from the imputations that had been cast upon it, it ought not to lose a moment in insisting upon a full, fair, and unsparing investigation. When he called for inquiry into this event, when he demanded what reasons could be adduced in justification of such a proceeding, he might be told, that the persons thus dispersed were disaffected to the government. Still, however, his case would not be answered, because it began after those individuals were taken into custody against whom the vigilance of the magistrates seemed to be chiefly directed. For the sake of argument, he would admit that it was proper they should be taken up; but it should not be forgotten, that that object was effected without resistance. They were conveyed, in perfect safety (except the injury which one of them declared he had received from the constable) before the magistrates, and were ultimately placed

in confinement. But why, he demanded, was the meeting to be violently dispersed by military force, subsequent to the arrest of those individuals? Why was it thought necessary to call out a military force against an unarmed multitude? They were wholly helpless; they had lost their leaders. It was, indeed, an army without a general. The general was made prisoner; and then, from one end to the other of the place where the meeting was held, nothing was to be seen but a body of cavalry cutting, slashing, and riding over men, women, and children. He did not mean to give credit to all that he had heard relative to the proceedings of that day, but there were circumstances against which he could not shut his eyes. He must receive as evidence the infirmary return of persons who were brought in there wounded; and he could not overlook the coroner's inquests that had been held on the bodies of persons who were slain. He would say nothing harsh of the magistrates; he merely demanded a full inquiry. He wished to know why a military force had been employed at all? It might be answered, that Mr. Nadin had said, he could not arrest these people without the aid of a military power. Well; a military force was granted, and he apprehended the obnoxious parties. Then, he wished to learn, why that military force was suffered to remain, and to act against the defenceless multitude, after the persons whom the magistrates ordered to be apprehended were in custody? Did the magistrates approve of that proceeding? If they did not, why did they not exert themselves and put a stop to it? From the windows of the house in which they were assembled, they must have seen the horsemen cutting down those poor people; why, then, did they not use the same authority which they had previously exercised in summoning the yeomanry there, by ordering them to desist and retire? He wished especially to know, why the magistrates called on the Manchester yeomanry for their services—why, of all others, they had selected them for this business? If it were at all necessary to employ troops on this occasion, they should not have been called out. Was there any gentleman who did not feel, that a body of men who resided in and about Manchester, and who must have been infected by the heat and irritation of party feeling which had prevailed there for a considerable time, were those who, of all others, ought not to have been selected? Other troops might have been found who would have performed this duty without difficulty and without violence. He had no doubt whatsoever, that if a regiment of dragoons had been employed to open a passage to the hustings, they would have effected their object without producing that dreadful scene, the recollection of which shook all England from one end to the other. Was it, then, under all the circumstances, too much to ask of parliament to take this unparalleled event into immediate consideration? Was it too much to call on the legislature to show to the empire, that, while they were alive to the necessity of causing the laws to be obeyed, they were also alive to the acknowledged privileges of the subject? Parliament ought now to prove, that, while they deprecated any thing like tumult or sedition, they were, on the other hand, determined not to suffer the rights of the people to be trampled on with impunity. He knew that an argument had been generally used against instituting any parliamentary inquiry into this proceeding, namely, that it would be a prejudging of the question. Many men, actuated by the best possible feelings and motives, who were anxious that justice should be done, and who supposed the business would be brought before a legal tribunal, besought all whom they conversed with to wait for the decision of that tribunal, and to abstain from delivering a premature opinion. Now, first of all, he did not know that any proceedings had been instituted before a legal tribunal, for the purpose of bringing the matter to issue. The trial of Hunt could not affect the question, because he was charged as a party in a conspiracy, which alleged offence occurred before the meeting took place. This could not be contradicted; for every person was in possession of the terms of the information. Hunt's trial, therefore, could have no relation, not even the slightest, to what took place when he was forced from the ground, and imprisoned in the New Bailey at Manchester. The whole of the case respecting the forcibly dispersing the mob could not come before the court: but, in his mind, even if it did, that circumstance would not remove the necessity of inquiry. They were the great inquest of the nation; and when they had before them positive information, that many lives were lost in time of profound peace, they could not, with justice, refuse to exercise their

powers of inquiry. It was asserted, that the people who had been injured might procure legal redress. What redress, he demanded, could they have against the magistrates and yeomanry? This was not similar to a case in which John Thompson knocked down George Jackson. There the party aggrieved knew where to seek for his remedy. It was not so here. This was an extraordinary, not a common occurrence. Let it also be remembered when redress was spoken of, that it had been the great object of his majesty's ministers to crush inquiry. Had any thing ever excited, or indeed could any thing excite, more general or more decided indignation, than the precipitancy with which they gave thanks to those individuals whose motives were wholly unexplained? He had not met a single individual, whether friend or foe of ministers, who did not condemn this act. He had not met a dispassionate man, who did not exclaim, that of all the ill-advised measures that ever entered the human mind, this was the most ill-advised. It was impossible for ministers to have been acquainted with the circumstances of the case; and yet, they at once, without any hesitation, expressed his royal highness's great satisfaction at the prompt and efficient exertions of the magistrates and yeomanry. Great satisfaction! For what? For an event in which 300 or 400 persons were maimed and wounded, and several were killed! With respect to what ministers might say on the subject, it was not worth attending to. They might as well talk to a Manchester magistrate as to a minister on this event; for ministers had absolutely made themselves partners in the business. [Hear, and laughter.] However on other occasions he was willing to allow due weight to what might fall from the noble lord, he could not pay any attention to what, as a minister, he might this night offer to the House on the subject of the proceedings at Manchester, because he had now a clear and direct interest in the acquittal of the parties concerned, with whom he and his colleagues had identified themselves. Therefore, all the noble lord might say this night would go with him for nothing.—The greatest pains, it appeared, had been taken by government to prevent great public meetings, at which the feelings of the community on this deplorable event might be collected. On that point he begged to say a word or two, particularly as the interference of ministers on one occasion of that kind, ought, in his opinion, to be taken up as a breach of the privileges of that House. He saw an hon. friend in his place (Mr. Wynn) who was deeply versed in questions of this nature; and he would ask him what he would say to the lord-lieutenant of a county who should conduct himself in the manner he would presently describe? A nobleman of great worth wrote thus to the high sheriff of the county: "We are in a state of great agitation in consequence of what recently occurred at Manchester: we do not wish to come precipitately to any decision on that event; but we are desirous that a meeting should be called for the purpose of petitioning the Prince Regent to call parliament together immediately, in order that a proper inquiry may be instituted." What was he to think of the lord-lieutenant of that county, who, in conjunction with one of his majesty's ministers, wrote a letter to the high sheriff, desiring him "not to call such a meeting, as it would be unconstitutional?" He demanded whether such a proceeding was not directly questioning the power of the House of Commons? Sure he was, that if it was not a breach of privilege, it most undoubtedly was a breach of all decency and decorum. Was it not saying to those who could be at all influenced by ministers, that if they wished to stand well with men in power, they must set their faces against any inquiry into the Manchester business? When he saw a paper like that, meant to stifle inquiry, signed by one of his majesty's ministers, he could not suppress his indignation: but, in spite of such arts, they would ultimately compel inquiry—such an inquiry as would visit with shame and confusion some of those who endeavoured to prevent investigation.—The great and anxious wish of the honourable mover was, that, at a critical period like the present, they should throw aside all party feeling, and only consider the public good. Let gentlemen look to the example that had been shown by ministers—let them examine whether they had forgotten party-feeling. This brought them at once to the dismissal of earl Fitzwilliam. That was the act which ministers performed to prove that they were entirely free from party feeling! [Hear, hear.] "Oh, but," said they, "the public good required it. It was necessary to remove him, because he, as lord-lieutenant, held a different opinion from that entertained

by us, with respect to popular meetings." And yet, after this act, which spoke for itself, they exclaimed—"Oh, party has nothing to do with our proceeding!" Next to the general indignation produced by the thanks given to the Manchester yeomanry and magistrates, was the sensation produced by the removal of this venerable nobleman. He knew no individual at any time with whom the feelings of the country so entirely sympathised as they did with earl Fitzwilliam, on this occasion. No man could be selected, towards whom the great body of the people, those who knew him and those who did not know him, bore so respectful a feeling. He believed no individual could be found for whom the country entertained so deep-rooted and thorough an affection; and certainly no man more justly deserved it. His private virtues, his advanced age, the exemplary manner in which, for twenty years, he had administered the office of lord-lieutenant, ought to have been entertained by ministers as powerful reasons against degrading him—for such was their intention—by a removal. After the treatment he had received, he knew not how others, who had not served their country so long, could escape a similar visitation, if they acted with similar independence. It was his misfortune to differ from earl Fitzwilliam with respect to the steps that ought to be taken at a former period, when there were disturbances in the country; but he was convinced that his opinion was a sincere one, flowing from the dictates of his conscience. He was, at one time, the best stay the administration possessed, for effecting and preserving what they considered the tranquillity of the country. He had since done that which, if it had been done elsewhere, there would have been no necessity for his addressing the House that night. The noble earl had preserved the tranquillity of Yorkshire; and he was rewarded by a removal from the situation of lord-lieutenant! [Hear]. In Yorkshire there had been a display of flags; and there also that martial array of which so much had been said was observable. But those things had ceased in consequence of earl Fitzwilliam's exertions; the system had nearly evaporated; and many of those deluded persons had applied to his lordship to be enrolled in his corps of Yeomanry. The noble lord opposite (Castlereagh) smiled at that; but he was, notwithstanding, extremely sore about it. If a lord-lieutenant acted improperly in his office, it was but just that he should be discharged. His offence should, however, be clearly pointed out. What, then, had earl Fitzwilliam done? Did the noble lord mean to say, that government had any thing to find fault with, as far as earl Fitzwilliam's conduct in the discharge of his official duties was concerned? Did ministers mean to say, that he was not ready to appear at any meeting, or to attend in any place, where tumult or riot might be expected? Would they contend that in these respects he was not so vigilant as he ought to have been? They could not allege any charge of that kind. It might be answered by ministers—"We must have a person in the situation of lord-lieutenant who reposes confidence in us, and in whom we, in turn, can repose confidence." This was the only answer that could be made. When gentlemen talked of doing away party feelings, it was right to call their attention to the case of earl Fitzwilliam, and to ask them whether it was necessary to state in a public newspaper, a month before a successor to the lord-lieutenancy could be found, that he had been removed from the office. How came it in that newspaper? It could not have found its way there, except from the cabinet: there was no other mode in which the communication could be accounted for. He asked of those who declared that they entertained no party feeling, but who were evidently influenced by a mean party-spirit, how they could justify this act? They showed how much they enjoyed their petty triumph, by stating the removal of Earl Fitzwilliam a month before his successor was appointed. By such a proceeding, they hazarded the tranquillity of Yorkshire; and in running that hazard, by what could they possibly be influenced, except by party feeling? "Oh! but," said they, "it is an act of spirit. It shows that government will not be trifled with; that they have assumed a vigorous and commanding attitude; and all will soon be well." He would, however, tell them, that there never was an act which tended more to set the country against the government, than the removal of earl Fitzwilliam.—There was another point connected with the Manchester business which he should like to have properly explained. Why, he wished to know, was Hunt arrested on the hustings, when he might have been taken the day before? Was there a desire to create an

opportunity for the employment of troops? He did not mean to say that so base a desire existed, but certainly it was a little extraordinary that such a course was taken. The same thing, however, happened in London. A person of the name of Harrison was arrested in Smithfield, when he was surrounded by thousands of individuals. Why, then, endanger the peace of the city? why run the hazard of endangering the safety of the metropolis, merely for the purpose of apprehending a man at 12 o'clock on one day, who might as well be arrested at 12 o'clock on the next?—It was evident that the country had no confidence in ministers; it was clear their proceedings were disapproved of; and that was one great reason why he would not give them any additional force. Till the whole of those proceedings were explained satisfactorily, he could not extend any confidence to the government; and he knew not with what face they could demand fresh confidence from the House or the country, until they showed how they had exercised the powers which had previously been intrusted to them. He was aware, that throughout the country, the attempts made to run down the liberty of the subject had excited a very great alarm. The hon. mover doubted this, but he (Mr. T.) was assured of the fact. The jealousy of the people was roused by the proceedings at Manchester, and was farther inflamed by the precipitancy with which the yeomanry and magistrates were thanked for their conduct in that deplorable affair. When they saw the whole system crowned by the manner in which persons were arrested, the most dangerous periods being selected for that purpose; and when they witnessed the removal of such a man as earl Fitzwilliam, for no other reason but that his opinions were not in unison with those of his majesty's ministers, was there any thing under heaven which could induce him, or any unbiassed individual, to give additional confidence to the advisers of the Crown? The constitution was at stake; it depended on the debate of that night. He had abstained from giving any specific opinion on the Manchester business; he had confined himself to the mere fact; but that there ought to be a full and fair inquiry he could not doubt, unless parliament wished to state to the country, that their mode of allaying discontent was, by raising an additional military force, by enacting severe laws, and trusting entirely to a system of coercion. If they meant to state this, it was in vain for him, or any other man, to raise his voice in that House hereafter in defence of the rights and privileges of the people. If there was an opposition to inquiry, what could he hope from the discussion of those severe measures which might, and probably would, be proposed? Such a want of sympathy for the feelings of the people would tend to produce that line of separation which occasioned danger in all countries where it existed—a separation between the interests of the high and of the low. He, however, would do his duty, under all circumstances, however discouraging. He would point out, what he conceived to be, the best cure for existing evils, and he hoped those in power would take a warning from the history of other nations—particularly from the events which occurred in the early part of the French revolution. Had there been a government in France willing and anxious to conciliate the people, and ready to admit that abuses existed which ought and would be remedied, hopes might have been cherished that the revolution would not have taken place. But a contrary course was adopted: every man who complained was subjected to persecution, and set down as a Jacobin and an agitator. This mistaken policy produced a dreadful convulsion, and every thing dear and valuable was hurried away in the general devastation. Let gentlemen beware how they proceeded in this question—one of the most momentous that was ever agitated within the walls of parliament. The radicals, as they were called, were, he believed, by no means in force in this country; but a large proportion of the people were acutely alive to the business transacted in that House, because they felt that much of their sufferings were to be traced to its proceedings. Let ministers do all they could to alleviate the distresses of the people, and he would stand by them to protect the law and the constitution; no man would do more, or go farther than he would, most cheerfully. Let the House but show a wish to remove the real grievances of the people, and he was convinced peace and harmony would be restored. But while they proved that they were most anxious to uphold the laws, they ought to let the people see that they were equally determined to protect and maintain their just rights [Hear]. He then read his amendment, as follows:

"To assure his royal highness, that, called together at a season when unexampled distress and extraordinary agitation prevail in some of the most populous districts of the kingdom, we will immediately proceed to take into our most serious consideration the various matters contained in his royal highness's gracious speech from the throne:

"Humbly to express to his royal highness our reprobation of the attempts which have been made to persuade the suffering classes of the people to seek relief from their distress in schemes injurious to themselves, dangerous to the public quiet, and inconsistent with the security of the constitution, which it is our duty and determination to maintain against every species of encroachment or attack:

"To represent to his royal highness that while we thus declare our determined resolution firmly to uphold the just authority of the laws, we feel that we are called upon by a sense of duty, so to conduct ourselves as to satisfy the people that their complaints will at all times receive from us that just attention, and their rights that ready protection, which is indispensable to their safety and freedom:

"That this seems to us more particularly necessary in order to maintain that confidence in the public institutions of the country, which constitutes the best safeguard of all law and government:

"That we have seen with deep regret the events which took place at Manchester on the 16th of August last; and that, without pronouncing any opinion on the circumstances which occurred on that melancholy occasion, we feel that they will demand our earliest attention in order to dissipate the alarm to which they have given birth, by a diligent and impartial inquiry, which may show that the measures of extraordinary severity, then resorted to, were the result of the most urgent and unavoidable necessity; or prove that an important constitutional privilege cannot be violated, and the lives of his majesty's subjects sacrificed, with impunity."

The Marquis of *Tavistock* seconded the amendment. At a time of peril like the present, he observed, it was the duty of every man to stand forward and deliver his opinions as to the best mode of removing those evils which were so generally allowed to exist. On this occasion, he assured the House, that he was not actuated by any party feeling. He felt the dangers by which the country was surrounded so deeply, that he could not with justice to himself or his constituents remain silent on that occasion. The great object before them was, the result of the proceedings on the 16th of August. He alluded to these proceedings at present merely for the purpose of imploring the House not to disappoint and irritate the minds of the people. He hoped and trusted that a fair and impartial inquiry into these proceedings would be instituted. Let witnesses be examined, and let no biassed or party views impede their proceedings—let them have no object in view but the attainment of justice. To him it was a matter of little importance who was in or out of office, compared with his anxiety to secure the peace and happiness of the people. But how were these objects attended to at present? One of the first noblemen in the country had been degraded because he had opposed himself to the conduct of ministers. But it should be recollected that this nobleman was the first to detect and expose the spies and informers who had been sent about the country—that he was one of the first men who had had the courage to give to ministers his opinion of the state of the country, and whose great fault was his calling for an investigation of recent occurrences. For this the noble earl was entitled to the thanks of every friend of freedom, and in retiring from office he carried with him the respect and good wishes of every honest man. That there were circumstances of an alarming nature connected with some of those popular meetings, was the opinion of many; and perhaps, however inadequate the cause was, it might be owing to these circumstances that the country was to be burthened with 10,000 additional troops. But the House, he conceived, could not adopt a measure so unprecedented in time of peace, until they were furnished with satisfactory data. If they produced such data—if ministers showed that they could not carry on the business of the government, without an additional force—then he conceived they had much to answer for, because it was by their conduct that the country was reduced to that situation. Gentlemen might contemplate, with melancholy feelings, those past days when this once flourishing country, directed by wise councils, enjoyed undisturbed tranquillity

in time of peace—a tranquillity to which it was now a stranger. It was not surprising that there should be a want of confidence in government, when they reflected on the little sympathy which was shown in the votes of that House to the situation of the people at large. A former parliament did itself no credit by repealing the property-tax, and that which succeeded obtained still less by imposing taxes which fell heavily on the working classes. If the chancellor of the exchequer came down and proposed a property-tax, his vote should be at the right hon. gentleman's service; but on these conditions—that other taxes which bore heavily on the people should be repealed; that the universal desire for economy and retrenchment, in every branch of the state, should be met by corresponding efforts on the part of the government; that the country should not again be insulted by the unnecessary grant of a large sum out of the public money, and that every office which could be abolished should be speedily annihilated. Then, and not till then, would he vote for the property-tax. With respect to the difficulties that threatened the country, he thought they might be overcome, and the breach might be healed, if they did not drive the people to despair, by refusing inquiry. They should conciliate them by granting at least some step towards reform. In his mind, that question was, of all others, of the greatest importance. He would not presume to say what specific plan of reform ought to be adopted; but of this he was confident—that so long as that House was constituted as it at present was, it could not, and it ought not to possess the confidence of the people. Before he sat down he should express a hope, that the noble lord would not attempt to degrade the spirit of the people by force and coercion, but would endeavour to conciliate it by mild and equitable measures. There were some men who were pepetually boasting of their loyalty and attachment to the constitution; but to him it appeared as if those individuals had but a slight idea of the meaning which belonged to those terms. True loyalty consisted in preserving, not in restricting, the liberties of the people; they, however, made it to consist in a blind adherence; and servile acquiescence in the measures proposed by his majesty's ministers. Could, however, any person who had witnessed the trials to which the people of England had been subjected during the last twenty years, and the exemplary patience with which they had sustained them, question for a moment their loyalty or their attachment to the laws and institutions of their forefathers? The patience they had exhibited during the late arduous contest in which they had been engaged, surely deserved some better return than the harshness with which they were treated, now that the contest was over. He therefore could not help imploring his majesty's ministers to institute a full and fair inquiry into the injuries which the people conceived themselves to have sustained at Manchester, and not to treat them with any unnecessary violence or contempt. By conducting such an inquiry without any reference to party feelings or to party views, they would disarm the rage of thousands who were now excited against them, because they thought that they had been treated with harshness. He could assure the House, that into such an investigation he should himself enter without the slightest hostility to any of his majesty's ministers, though he must own that he should bring to it strong feelings of affection to his country, and a trembling anxiety for the safety of the constitution. The noble marquis concluded his speech by observing, that a dreadful storm was now hanging over us; that conciliation was the only method of averting it; and that to recommend measures of conciliation to the government, was the sole object for which he had that evening taken the opportunity of addressing the House.

The *Speaker* then read the original address, and was proceeding to state, that in lieu of part of the original address, it had been proposed to insert an amendment, when

Mr. *Tierney* again rose, and said, that he had no wish to leave out any part of the original address: he would adopt the whole of it, and would content himself with proposing, that his own amendment should be received as an addition to it.

Lord *Castlereagh* rose. He began by observing, that there never was a crisis in which ministers felt a more awful responsibility than they did at the present moment; and never was a responsibility more awful than that which they were now obliged to take upon themselves in discharge of their duty to their king and to their country. Nothing but an imperious sense of the necessity of such a measure

could have induced them to have called parliament together at this unusual season of the year; and yet such was the state of the country, that if they had longer delayed the convening of it, they would have compromised their duty to the Crown, and have placed at hazard the safety of the state. Now that it was assembled, he should express a hope, that not only in the debate of that night, but also in the many and arduous debates which were likely to succeed it in the course of the session, the House would maintain that equanimity of temper and candour of argument, which, at the same time that it was most essential to the preservation of its dignity, was also best calculated to effect those objects which every member of it must have in view. Whatever insinuations the right hon. gentleman opposite might throw out regarding the little confidence which the people were inclined to place in that House (and the right hon. gentleman's speech was more calculated to diminish than increase that confidence), he was certain that the House would still continue to act with that calm deliberation and that steady character which had always previously distinguished it; for if they did so act, if they met their difficulties at home with the same manly resolution with which they had met their difficulties abroad; if they persisted in their determination to deal out justice, even-handed justice, to all ranks and classes of his majesty's subjects, and were resolved, when they did interfere in the internal administration of justice, to interfere no more than their interference was absolutely necessary, he was positive that, instead of losing the confidence of the people, they would acquire new and indisputable claims to it, for the House had never yet pronounced a deliberate decision on any question, without being supported in it by the sober opinion of the public. Indeed, so far was the House under the control of public opinion, that no government which opposed it could long exist in this country, it was the basis upon which every government rested; and if the House pursued the same line of conduct which it had pursued before, he would undertake to promise that the same confidence would be now placed in it as had previously carried it and the country through every difficulty. The right hon. gentleman had confessed in the outset of his speech, that there was nothing in the address to the throne which called upon the House to pledge itself as to its future conduct; and in moving his amendment, had given a reason for doing so, which had on the first view of it created great satisfaction in his mind. He had said that the state of the country was so ambiguous, and the circumstances of the times so perilous, that it became every man to speak out frankly and boldly. From this declaration of the right hon. gentleman, he (Lord C.) had expected that the amendment would have contained some definite plan, some specific measures for the consideration of ministers; but, if he understood its meaning at all, nothing was so far from it as any specific or tangible proposition, with the exception of one parliamentary inquiry which was to be instituted into the transactions at Manchester, of the confession which the House was to make of past misconduct, and of the promises which it was to hold forth of future improvement. The right hon. gentleman had also declared a strong wish to examine into the present state of the country; and in stating his reasons why such examination should take place, had much undervalued the circumstances in which it was now situated. What those circumstances were he should refrain from explaining at present; and he trusted that the House would allow him to do so, especially as he should to-morrow place the mass of information on which the government intended to act in the hands of every one of its members in a printed form, and without submitting it to any previous committee for investigation. Besides, his explanation of the state of the country would be better understood if it were combined with the measures which it was intended to propose: those measures he should open to them on Friday; but before any one of them was discussed, the House ought to know the intentions of government, the bearing of which each of them had upon the other and upon the whole, and the dangers which threatened the whole of our system. As, therefore, the term was so short during which he wished the House to excuse him from speaking on the general state of the country, and as nothing specific had been proposed by either the right hon. gentleman or the noble lord opposite, he trusted that the House would extend to him the indulgence which he desired. With regard, however, to the transactions at

Manchester, he had no objection to meet the right hon. gentleman at present: and here, he must say, that if his majesty's ministers had not expressed any sentiments of regret on this subject (and no humane or generous bosom could be without them), it was because nothing was more important than to maintain the confidence of the people in the due administration of justice, and nothing was more likely to destroy it than any such declaration of opinion: therefore, if in his answers to the questions of the right hon. gentleman he was compelled to say any thing which had that tendency, he trusted that the House would recollect that it was forced from him, and was not voluntarily tendered. In answer to the question, why Hunt was not arrested before the 16th of August, and why he was arrested on that day, he would state, what he believed to be the fact—that there was no determination or intention on the part of the magistracy to arrest him on the charge on which he was arrested, previously to the 16th of August—that the charge on which he was then arrested arose entirely out of the events of that day [loud cries of Hear from the opposition benches] that it originated from the military array, and the seditious banners which were then displayed; and from the magistrates looking upon the meeting as of a treasonable nature, even if it did not amount to high treason itself. Therefore, if his assertion could have any effect with the right hon. gentleman he would believe the arrest of Hunt was not decided upon before that day. The right hon. gentleman had then asked another question—why a meeting, consisting of more than 40,000 people (and he had stated the numbers pretty correctly), among whom were many women and children, had been attacked by a military force after Hunt had been arrested and carried off without any opposition? But that was a false view of the question: it never was the intention of the magistrates to disperse the meeting as it was dispersed, any more than it was their intention on the preceding day to have dispersed it at all. If they had then entertained any such opinion, they would have declared it an illegal meeting, as they had declared that which was convened before it. It was not asking the House to show too much charity to the Manchester magistrates when he asked them to believe this to be the case, especially as there was not the slightest scintilla of evidence to the contrary, except it were the heated evidence of those who had recently been tampering with the public feelings. If they had had any wish to commit an act of violence on the people, surely they would have carried it into execution on a meeting which it is acknowledged on all hands was illegal, and which they warned people not to attend, because it was illegal; and would not have deferred it to another, when the meeting had become at least of a questionable nature. He put it to the charity of parliament to say, whether the deferring of it to the latter period would not, if they had entertained such intentions, have been most irrational. The truth was, that the magistrates did not determine upon dispersing the meeting until it had assumed a character of tumult and sedition. And he would protest on all occasions, and at all times, most loudly against the doctrine which had been advanced that night, that the arm of the law was to be unnerved by —[Here Mr. Tierney made some sign of dissent.] The right hon. gentleman most certainly had maintained such doctrines: he had asked why had Mr. Hunt, why had parson Harrison, been captured in the midst of the people? As to Harrison, he had fled from Manchester; and was taken by the officers in Smithfield, as it was their duty to take him, charged as he was with an offence, whensoever and wheresoever they saw him.—To return, however, to the subject from which he had digressed: as soon as the character of the meeting had declared itself, the magistrates put the warrants into the hands of the constables; and it was not till they had declared their inability to execute them, that a military force was employed at all. Then comes the right hon. gentleman and asks, why employ the military, and above all, why employ the yeomanry, and not the troops of the line? Why, formerly the only force which the right hon. gentleman would allow to be employed to defend the internal tranquillity of the country was his majesty's liege subjects armed in defence of their rights and properties. The circumstance only proved, that when his majesty's ministers blew hot, the right hon. gentleman blew cold; and that all they did was wrong, even when they adopted the suggestions which he had himself proposed. This consideration, however, led him to another fact, to which it was requisite to call the attention

of the House: the magistrates had nothing to do with any of this military array or armament, and were not responsible for it, except in so far as they legally were for giving the orders for its acting. It was colonel L'Estrange who selected the Manchester yeomanry for the service of the day, and who thought that he had done the most constitutional thing in the world in employing them. [Hear, hear!].—He would now proceed to state most distinctly, that the magistrates, if it was an illegal meeting and was carrying traitorous and seditious emblems, would have been guilty of a most flagrant dereliction of duty, if they had allowed that meeting to continue assembled one moment after the capture of Hunt. They, however, determined to disperse it, and to disperse it in the most mild and gentle and temperate manner. At the time the riot act was first read, it was read from the window of the house in which the magistrates were assembled: [loud cries of hear from all parts of the House:] it was suggested that this method of reading it was not such as was contemplated by the act: another magistrate was therefore sent into the crowd, and whilst attempting to read it there, was trampled under foot; they then sent a third magistrate to read it at the hustings, in order that no man might remain in ignorance of the fact of its being read. Why was it not read there? Why, because after the caption of Hunt was effected, those troops who effected it were violently assaulted by what the right hon. gentleman had called an unarmed mob. He begged leave to say, that he stated what he believed to be the fact; because, as the whole transaction of clearing the ground did not last five minutes, and as all the business was over in a quarter of an hour, some conflicting testimony might be expected. Still, however, he must repeat, that he believed what he stated to be correct. That, however, was not so much the question at present: the question was, whether the House of Commons was to erect itself into a tribunal to decide on this matter, and exercise the inquisitorial powers which it possessed by investigating it at their bar. Highly as he valued, and far as he would carry these inquisitorial powers, he was not for exercising them on the present occasion, as he did not think that the circumstances demanded it. To go on, however, with his narrative: this unarmed multitude, though the place had only the day before been cleared of all the stones that were calculated to hurt a human being, assailed the military with so many, that the next day two cart-loads were found upon the ground; so that it was clear that the parties had come with stones in their pockets: it was also evident that there were men among them armed with pistols; for from the house behind the hustings pistols were fired upon the troops. Notwithstanding all these circumstances which he had related, he was sorry to say that among several men of high character, for whom he entertained the most profound respect, there was scarcely any cruelty, however horrid—any atrocity, however aggravated, which had not, without the slightest truth or foundation, been attributed to the magistrates of Manchester [Hear, hear!]—Thus much for the character of the meeting. It was thus made evident that government had not taken any steps on the subject till they had convinced themselves of the law of the case, and the illegal character of the meeting which had been thus dispersed. He therefore repeated, that the Manchester magistrates had acted consistently with the law of the land, and with the best possible attention to the interests of the country. He would now apply himself to another important part of the inquiry: that was, whether the course of public justice, and of individual justice, would be promoted, or whether it would not rather be obstructed, by such an inquiry, as was recommended in the amendment of the right hon. gentleman. Before any such inquiry could be entered upon, they ought at least to know the state of the circumstances in which the transactions took place. Although he had no particular knowledge of the charge against Mr. Hunt, and although that charge might be intirely extrajudicial to this question, yet Mr. Hunt could, without any doubt, bring the magistrates before a jury of the country to explain their conduct. Let the House consider what they knew by public notoriety to be now in the hands of public law. In the first place, the House would allow upon the face of the question, that there was none which, *prima facie*, called so little as this for their interposition. How did the transactions which were to come before a court of justice stand before them at this moment. The magistrates of Manchester, and all who took that view of the question, were ready to go to trial; and who were they who postponed judicial inquiry? The injured, in-

nocent individuals, who complained of the severity with which they had been treated! All those individuals had put off their trial. Besides, had those persons availed themselves of all the legal means of redress, if injustice had been done to them? They had indeed preferred bills against some individuals of the yeomanry cavalry; and the fact of the illegality of the meeting had been found by the grand jury, who threw out those bills. As far as the yeomanry were concerned, the charge against them had been thus negatived by one grand jury of the country: for bills might have been found, and very properly found, against individuals of the yeomanry cavalry, and yet have decided nothing respecting the magistrates or the commanding officers. Because nothing was more clear than that outrages might have been committed beyond the necessity of the case, however proper the conduct of the magistrates and of the commanding officer might have been; and that individuals might be guilty of murder, while the magistrates and commanding officers were entitled to praise. But while they had preferred bills against individuals, not a single indictment had they preferred against the magistrates or the commanding officer. The first thing that ought to have been done was, to have gone to the officer, as in the riots of 1768, when the officer was tried in the King's-bench and acquitted. Therefore he was entitled to say that the courts of law were open to those who complained, and that they had not availed themselves of them, in the mode which the law prescribed. He was aware of an objection often urged on this point. How, it was asked, could so many indigent individuals support the expenses of legal proceedings? But, if five yeomen have been indicted, as many magistrates could have been indicted by the same means. If real public justice had been the object, the principals would have been first attacked. But if those who complained were indigent, they knew that in fact a subscription to a large amount, and under various descriptions of objects, had been made, and that there were in consequence ample means provided. Not less than 2,000*l.* had been subscribed; and this sum surely afforded sufficient means for supporting the expenses of a legal investigation. They had heard, indeed, a most audacious libel upon a branch of the constitutional administration of justice—a libel belied by the whole tenour and character of the administration of justice in this country; and in no part of the country was that administration more pure than in Lancashire. They had heard a most audacious libel, that the grand jury at Lancaster had not done their duty, and had lent themselves to be the scape-goat for the violators of the law. But if it was so, if the magistrates could not be indicted for murder, yet if they were not justified in law, they could clearly be put upon their trial, by moving a criminal information against them, in the court of King's-bench, for their conduct. The circumstances of their conduct would be before the country as fully upon affidavits, as if they were to be tried for murder or felony. If, however, the court of King's-bench were so dead to a sense of justice and to the demands of the public, as to refuse a criminal information when it ought to be granted (and none could say that the court of King's-bench was dead or remiss in affording every facility to inquiry) into the conduct of magistrates; yet he admitted that a case might arise, although the House was never, in the first instance, to interfere with the judicial administration, emanating in purity and enlightened by discretion as it was, when the House might properly inquire whether the courts below had done justice. But, to call upon all persons to disclose the evidence to the House which they were afterwards to give in a court of justice, was a proposition so monstrous, that, if delusion had not been carried to such an extent, and if the gentlemen opposite had not lent themselves to that delusion, it could never have been proposed. It was so monstrous a proposition, that if the right hon. gentleman was not surrounded by legal advisers who suffered him to propose to take from the courts of justice the whole body of a judicial question, in order to have it tried here, he could not have believed that they could lend themselves to it. The court of King's-bench, was not apt to overlook the misconduct of magistrates; but if they were, and if they refused to interfere in this case, every man, even then, who had been removed off that ground by violence, or threats of violence, could bring a civil action for damages; and the jury, in estimating the damages, would have the whole legal evidence laid before them. Therefore, he begged leave to conclude that there had been no denial of justice. Every effort had been made by industry,

ingenuity, inflammation, and tumult. He did not mean to impute this conduct to the right hon. gentleman or to the gentlemen around him; but such efforts had been used to inflame and distemper the great mass of the people. What else could have been the object of the mass of evidence produced at a coroner's inquest respecting not what happened on the spot, but what every individual in the streets of Manchester knew. But there were now several proceedings in courts of justice upon this subject; there were motions with respect to the coroner's inquest, with respect to the conduct of magistrates in a district near Manchester; there were, in fact, many grave and serious questions now before the proper court. He thought that the consequences would be the worst that could be imagined, if they lent themselves to a precedent unknown to parliament. Did the right hon. gentleman consider, that if parliament could take such a step, it was not very decorous, whether it was proper or not, to come to such a conclusion on the address? Would it not have been more decorous if the right hon. gentleman had given notice of a motion to this effect, so that the ministers could have their minds instructed by the legal authorities? But he could not conceive, unless the whole body of the inquiry was to be taken from courts of justice, how the amendment could be supported. Was it contended that they could proceed with the inquiry proposed, while proceedings were actually pending in courts of justice upon the same subject? If parliament, in such circumstances came to a conclusion to punish the coroner or the magistrates, it would form an additional reason for levelling the throne and the constitution. This was the most barefaced trap ever heard of, which the radicals had laid for gentlemen on the other side. Any thing more fatal to public justice he could not conceive, unless they were to hang the magistrates of Manchester without trial or evidence. No step could be more effectually calculated to deprive parliament of all confidence on the part of the public. He therefore had no disposition to fall into the trap. The right hon. gentleman could not impute to his majesty's government a desire of standing between any individuals and public justice; if he did, he did them great injustice. But the right hon. gentleman had said, that they had prejudged the question. Now, he would submit, even to the right hon. gentleman whether, if magistrates were to be placed in a situation in which common justice would not be done to them, it would not be precisely by that course which the right hon. gentleman recommended. It was manifest that, in the temper of this country, the magistrates had not fared the better in consequence of the approbation of ministers. [Cheers and laughter from the Opposition.] He meant that there had been a previous disposition to treat the Manchester magistrates with party-feelings, which he never recollected to have been applied before to a public question. The opinion of government, if it was calculated to close the avenues of law, or defeat the ends of justice, had been improperly given. But the government was called upon to acknowledge the services of the yeomanry corps, who had come from a considerable distance in order to support the government. It had been said that a stipendiary magistracy had presided at Manchester. It was not so: they were the Lancashire magistrates, and of ten who were present, only one was a stipendiary magistrate: they and the yeomanry had come from a distance, and were entitled to thanks for their exertions. Why had not the right hon. gentleman objected to the expression of the approbation of government for the conduct of troops in the riots in Cambridgeshire, when lives had been lost in the Isle of Ely? The approbation of the government had also been expressed for the dispersion of the Blanketeer meeting. The same had been done for the conduct of the troops at Newcastle. It was the practice, whenever the troops were so engaged, that the government should give their opinion of their conduct; and this was the first time when the propriety of that practice had been called in question. In this case the government had not given their opinion till they were satisfied that the magistrates were right in law—till they were thoroughly satisfied that they had acted as became magistrates of this country. If his lordship should advise his majesty to approve of the conduct of a foreign minister, that would not stand against the indignation of parliament and the law of the land. But he did say, that though, as between man and man, no opinion should be given before a legal investigation took place, when disaffection, treason, and rebellion existed, the magistrates had a right to know the opi-

nion of government; and base must that secretary of state be who would not communicate what was the honest and sincere opinion of their conduct.. If that had not been done, the magistrates would have been placed in a most dangerous situation by ministers, and against their own conscientious judgment. They would have stood in the new and novel light of magistrates, of whose conduct the government of the country would give no opinion. If the opinion had been given under false reports, or under an imperfect and false view, his majesty's government were entitled, and they would owe it to themselves and to the country, to recall that opinion. But they had not given their opinion upon imperfect information. They had the report, first, of the chairman of the quarter sessions; next, of sir John Byng; then, of colonel L'Estrange; and last, of two gentlemen, one a magistrate, and the other chief constable of Manchester, who were sent up to explain the circumstances of the transaction. Upon this information they had given that opinion. He would not disguise, however, the fact that, after this, the ministers were again drawn to the consideration of the subject. There had not been, at first, that inflammation in the public mind, or it had not burst forth against the same objects against whom it was afterwards directed. For, notwithstanding all that had been said that evening by the right hon. gentleman, that the yeomanry alone were "the bloody dogs," it was, he understood, a moot point at first in the council at Manchester, whether the blame should be fixed upon them or on the regular troops. Though he should have had no hesitation to retract an opinion if he had been surprised into it, yet all subsequent inquiry had confirmed his first impressions, and if he had again to do it, he should have pronounced at least as strong an approbation.—He now came to one part of the subject of the debate, which was painful, not only because it was always painful to speak of a person who was absent, but on account of the estimable character of the person in question; he alluded to the removal of earl Fitzwilliam. The hon. gentlemen opposite would do him wrong, if they supposed that he intended to accuse the noble earl of a breach of public duty, or to detract from the high personal character which he had always borne; but he wished to speak on the subject without reserve, to the right hon. gentleman or to the House. His majesty's ministers had acted on a sense of their public duty—the noble earl, on a different sense of his duty; but, taking into view the state of the county with which earl Fitzwilliam was connected, the ministers were of opinion, that if they had not advised his removal, they must have sacrificed the administration of the laws. Lord Fitzwilliam, in imputing to the ministers the crime of countenancing such measures as those which he imputed to the Manchester magistrates, had shown such a degree of distrust of the measures of the government, and in that particular line of administration, with the execution of which he was connected, that it was impossible for the government, with any dignity, to continue him in his office. It was essential to the due administration of public affairs, and to the dignity of the Crown, that none of its servants should hold opinions of it derogatory to its honour and character. Lord Fitzwilliam, when he went to the meeting at York, virtually tendered the resignation of his office. It was certainly impossible for him to execute its duties with persons of whom he had such an opinion. He fully allowed, that it was not necessary that a lord lieutenant of a county should agree in all the opinions of the administration under which he acted; but if he could accuse an administration of being in that branch of the police in which he was concerned, so sanguinary as earl Fitzwilliam seemed to suppose them, the members of that administration would plead guilty to the charge, if they failed to advise their sovereign to remove him. Giving lord Fitzwilliam all credit for the correctness of his intentions, he should say, that never was any conduct less calculated to advance the interests of the Crown or the people, than the manner in which the meeting was called together in the county of York. The circumstances under which, at the time in question, it was assembled, were calculated to lay the laws at the feet of that body of men who were the greatest enemies of the constitution. He desired to know, whether it was true that the persons who called that meeting, preferred the concurrence of the Radicals to that of others who were (equally with themselves) friendly to the constitution, and who were willing to join with them on certain terms? This party said, "We, too, are willing to agree to

petition for the calling of parliament, for we are willing to leave to the discretion of parliament the question of inquiry into the business at Manchester; but on this condition, that you recognize the real state of the country, and profess unshaken attachment to the constitution." He did not mean to assert that the persons who refused these offers, and called the Yorkshire meeting, were not friends to the constitution; but (and he would show by-and-by how cautious gentlemen should be of getting into bad company) they preferred a coalition with the Radicals. What was the consequence? At a meeting of 20,000 persons, which he might call a traitorous meeting at the town of Birmingham, a meeting held with the usual apparatus of banners, &c., lord Fitzwilliam was exhibited in a new and singular combination as a Yorkshire reformer. Who had ever heard lord Fitzwilliam vote for reform? Yet on one of the banners of the assemblage was the inscription, "Lord Fitzwilliam and the Yorkshire reformers." But, indeed, lord Fitzwilliam did not disguise his sentiments, for at the end of the day's business at York, with a view of all the circumstances of the meeting, he proposed the thanks to the sheriff for assembling it. Never was the king's commission so degraded as when this nobleman, with Mr. Wooler on the hustings near him, offered his thanks to the meeting for being allowed to address them in connection with the radicals. It was the first county meeting which had been disgraced with all those emblems of flags and drums which had characterised assemblies of a different description. It was only, he understood, through the favour of the fugalman of the radicals, that any one had a chance of obtaining a hearing, and his hon. friend (Mr. Stuart Wortley) was, he believed, in the condition of obtaining an audience. He did not wish to mince the matter. The noble lord had on this occasion, by his conduct, and the resolutions to which he gave his sanction, disclosed opinions which put an end entirely to that confidence without which it was impossible, in offices connected with the preservation of the peace, to carry on the government. An account of this meeting had been published by Wooler in the "Black Dwarf," and extensively circulated in the north of England. The writer first quoted from what purported to be a correct report of the speeches delivered, and then introduced his own remarks. Thus his grace the duke of Norfolk was described as having said, that "at Manchester the swords of the military had been opposed to the government of the law." Upon this, the reformers were told, that in the case of their grievances not being redressed, the noble duke stood pledged to follow the example of his ancestor at Runnymead, and defend in arms the liberties of his country. The account went on to state, that Mr. Lawrence Dundas had said, "that the question now was, whether their dearest rights should be maintained or they should voluntarily become the slaves of a military despotism; and that what had been gained by the blood of their forefathers must not be lost by their cowardice." Mr. Fawkes was represented to have expressed himself to this effect—"that the louder they complained, the sharper did their enemies make their swords, and that he would rather perish in the temple of liberty than see it converted into a barrack." To this was added a quotation from Cowper, and the justness of resistance by force, when petitions were rejected, was declared to be the creed of Cowper, of Mr. Fawkes, and of every reformer. Mr. Ramsden was reported to have said, that there never had been such an outrage committed on the people, as on the 16th of August, and that such outrages had in former times been the means of depriving monarchs of their thrones. To lord Milton was ascribed the observation, that the people had the power of controlling their government, and the inference which the writer drew from this observation was, that the noble lord was bound to make that power effectual by putting himself at the head of those who were disposed to exercise it. It was thus that men of high station and character sometimes exposed their conduct and sentiments to misrepresentation, and subjected themselves to the belief of acting for other than their real purposes. The necessity of upholding the empire of the laws, and the important charge of securing the public peace, left his majesty's ministers no alternative, and they were compelled to adopt what had been described as a harsh and improper measure. It was impossible that the noble earl, after the sentiments he had avowed, could continue to act confidentially with his majesty's government. He trusted that he had now adverted to all the points of this subject, so as to answer satisfactorily the objections of the

right hon. gentleman. With regard to the general state of the country, he believed it to be critical in every point of view. He was far indeed from thinking that all who attended at these popular meetings, belonged to the number of the disaffected, or entertained sentiments in unison with those publicly professed. He should regret extremely to despair of the mass of the population; and there was, he apprehended, no ground for such a feeling. The best hopes might be entertained from the adoption of such measures as should protect them against the arts employed to delude them. He had lived long enough in Ireland, during a disastrous period of its history, to know how far delusion might be carried by popular agitators; and he had seen those who had been so deluded afterwards become faithful subjects, and zealous supporters of the laws. He had also the proud conviction that a great portion of this country was utterly exempt from the taint, and was animated by a spirit of attachment and zeal for the constitution, that required only the fostering assistance of parliament to render it effectual for our defence. But, at the same time, it was not to be concealed that a deliberate conspiracy did exist for overturning the government, and that there prevailed in many places a disposition to second this design. In such circumstances it would be impossible without the assistance of parliament, that any administration should answer for the public safety. Without it there could be no security against those scenes of bloodshed and confusion by which other countries had been desolated. On the other hand, by pursuing a course of policy adapted to our present exigencies, and firmly meeting the danger which threatened us, we might fairly expect to find ourselves, at no distant period, in a situation of perfect domestic tranquillity. The constitution, borne triumphant through the perils to which it was now exposed, might then continue to extend its blessings to the latest posterity. With all these views, and more especially with reference to the great and fundamental principles of justice, which would be compromised by that House taking into its own hands the subject matter of a judicial inquiry before other tribunals, he felt it his duty to support the original address.

Mr. *Bootle Wilbraham* said, that as a member of the grand jury whose conduct had been impugned, and being connected with the county of Lancaster, he was anxious to state the views by which the magistrates had been directed, and was sure that, whenever an inquiry should take place, they would come out of it not only with the credit of having acted properly, but with the general admission that they would not have discharged their duty had they acted otherwise. There would be many future opportunities of entering fully into these explanations. He was at present merely desirous of removing any unfavourable impression that might be entertained previous to those explanations being made. It had been asked, why the magistrates had not attempted, long since, to offer some defence to the charges which had been so generally brought against them. To this he replied, that they had not been called on in a manner that afforded them a fit occasion for so doing. Were they to enter into a controversy with writers in public journals, and sit down to refute the calumnies that had been daily circulated against them? Had they appeared at any public meeting, did any man believe that they would have been able to procure for themselves a patient or dispassionate hearing? The magistrates would hereafter show, that they had proceeded on a just conviction that the meeting of the 16th of August was illegal. The ostensible object was undoubtedly reform; but the real object, at least as far as the minds of the lower orders were affected, was ascertained to have been plunder, and the destruction of property. There were depositions which clearly manifested this fact. Their purpose, indeed, had been openly declared; threats had been used, and many of the most respectable inhabitants had been intimidated. It was also ascertained, that those who threw out these menaces, were not distressed or unemployed persons, but spinners and others who were by no means in want. Application was made to the magistrates for protection, on the part of twenty or thirty individuals, who considered themselves and their property in danger. These were some of the most considerable inhabitants of Manchester, who had distinguished themselves by their energy and exertion on former occasions in preserving the public peace. It was not denied that the meeting assembled in large bodies, or that they marched in military array. When they arrived at

the hustings, they erected their standards; and as they filed off, left a guard six deep to surround and defend them. As they marched through the streets, many were heard to exclaim, that a new order of thidgs was at hand. Were the magistrates under such circumstances to remain silent and inactive? To what reproaches would they have subjected themselves, had they not taken precautions against the mischief that was likely to arise! Many, perhaps, recollected—he was old enough for one—the riots of 1780, when the lord mayor was prosecuted, whether civilly or criminally he forgot, for neglecting to take such measures as the occasion called for. The constables in this instance declared their inability to execute their office, and this might readily be believed when it was considered that there were but 300 in a crowd amounting to 50,000. The assistance of the military power was then granted; it advanced, accompanied by the peace-officers on foot, nor was a blow struck till they were assailed with stones, brick-bats, and other missiles, [brought to the spot for that express purpose. The ground had the day before been cleared of all such substances. One man was knocked off his horse, and his companions apprehended for a moment that he was killed. There was, in fact, more forbearance displayed by the yeomanry than could have been under all the circumstances expected. They at length attacked the multitude in order to effect their dispersion. He did not know with which side of their swords they struck the people; but it was a subject of admiration to many who witnessed the scene, that so large a multitude should be dispersed with so few injuries. He had in his possession authentic returns from the infirmary, by which it appeared that the whole number wounded or hurt was twenty-six. Some of these had received their hurts from being thrown down in the confusion. He did not mean to deny that there might have been some other instances of bodily harm, or that individuals amongst the yeomanry might not have given too great a loose to their resentments. Every exertion, however, had been made to restrain them, and to put a stop to such proceedings. The cause of the yeomanry being employed in this service, was quite accidental, the regulars happening to have taken a wrong route, and arrived last upon the ground. They came, however, early enough to act upon the orders they had received; and in the execution of this duty, it became very difficult to say whether the blows received were inflicted by them or by the yeomanry. Still, he believed, that neither had any intention to commit deliberate or unnecessary wrong. Many exaggerated statements had gone abroad upon this subject, which tended very considerably to increase the general irritation. It had been asserted by an hon. member of that House at a public meeting in Norfolk, that a woman had been attacked and severely cut, and that she and others would have shared a worse fate, but for the interposition of a gallant officer. This statement continued in circulation for a fortnight, when there appeared a letter from the gallant officer, major Cochrane, denying the truth of the matter, and adding that no such circumstance had occurred. As to the bills which were thrown out, he should say, that he happened not to have taken any part in them, and he had done so, on the ground that an objection had been made to him at first as being a near relative of one of the magistrates whose conduct was attacked. This, however, he could state with the most perfect conviction, that never were bills found where a grand jury had acted with more strict impartiality.

Mr. *Coke* observed, that it was he who had made the statement respecting the alleged attack on the woman, in which major Cochrane was said to have interfered. He had found afterwards that the whole was a mistake, and he would most willingly have given the contradiction to it, if it had not been made by major Cochrane.

Lord *Milton* had not intended to take any share in the present discussion, and was only induced to alter his intention, by having heard that something had been said during his absence from the House, respecting a communication between himself and those who acted with him at the York meeting, and some of those gentlemen who had signed the declaration in that county. It had been said, as he was informed, that the gentlemen who signed the requisition, had, in their communication with those who signed the declaration, refused an offer made, which would unite all parties. The circumstances of that case he would state to the House, and he appealed to his hon. friend opposite (Mr. Stuart Wortley) for his recol-

lection of the transaction. On his application to him, his hon. friend's words were to this effect: "If you and your friends agree to add the declaration to your resolutions, I will endeavour to persuade my friends to adopt those resolutions, and I think they will adopt them." To this he (lord Milton) objected, conceiving it impossible that such an agreement could well be made. How could they define and distinguish in the case they wished to state? For the House would perceive that those declarations of loyalty on one side seemed to imply disloyalty on the other. The proposition was one, which, under all the circumstances, they could not agree to; yet there was no indisposition to act with them. Indeed, in the declaration, which had been signed, not by the hon. gentleman, but by a noble lord (Lascelles), there was an admission of the necessity of inquiry.

Mr. *Stuart Wortley* said, that after the appeal which had been made to him by his noble friend, he felt it his duty to offer a few observations. He admitted that he had offered to him, that if they (the requisitionists) would agree to the declaration, he would endeavour to persuade his friends to assent to the resolutions. In this he had done nothing more than merely say, he would endeavour to persuade them, which was all he could promise. This was done at Wakefield; and on the next day, to prevent any misapprehension, he put the proposition down in writing. He asked him in effect—Will you throw off the support of those who have thus agreed to this offer? Will you, without forfeiting any principle which you have ever avowed, throw us off, and only support those who have really no other object than the injury of the constitution? With respect to the address which had been moved, he was glad to perceive that there was no opposition to it. The object of the right hon. gentleman seemed to be, to assent to this address, on the ground that an inquiry should take place into the proceedings at Manchester. Now, he had no objection to inquiry; but he conceived that of all the places where it could take place, the bar of that House would be the worst. He did not, and would not shrink from the avowal of this opinion; and he believed that but for the shuffling of some of those persons who were concerned in the transactions, an inquiry would have taken place long ago. He had seen inquiries take place at the bar, and he had not witnessed one in which the parties had not covered themselves with disgrace. [Cries of "No, no."] He alluded not to the House, but to the parties examined. Here was a court, consisting of 658 judges, all of them examining and deciding upon, but few of them agreeing as to the same particular points. In a court of law there were certain rules by which to determine, and certain practices to observe; but in this House the members were under no such restraint, and each followed that line which he conceived best. Could an inquiry so conducted be considered as the best mode of eliciting truth? Cases had occurred of alleged violence on the part of some of the authorities, where applications had not been sought in the House of Commons. The case of the dispersion of the meeting at Coventry was one in point. Distress there did exist, but it was not from the really distressed that the loudest complaints were heard; and here he conceived the right hon. mover of the amendment was mistaken in his view of the case. They who were loudest in their cry were those who had other objects in view besides a relief to the country. It was now he would agree with the right hon. gentleman, time to speak out, and every honest man ought to declare his opinion. And as his opinion, he would state, that the spirit which was abroad, and which already so much disturbed the country, was a republican spirit—one which sought the overthrow of the constitution, and the destruction of all property. There were, he would admit, many, and among them some of those whom he loved best, who conceived that a moderate reform was necessary; but they sought not that reform by acts of violence and were to be distinguished from those who, under the mask of reform, sought only the destruction of property. He would refer the House to the consideration of the resolutions of a meeting which took place in Halifax, he believed in October last, where the property of the earl Fitzwilliam, was in so many words. pointed at, as if for partition. He would not deny the clear right of the people to petition the crown or the parliament, but he maintained that those itinerant preachers of sedition who went about inflaming the lower orders ought to be put down. Such persons as Wooler or Hunt might

be tempted to their present courses by avarice or ambition, but they should be put down. The hon. member next adverted to the two-penny publications which were circulated so widely, and observed, that they ought to be repressed. He would not say that they ought to pay a tax equal to newspapers, but they ought to pay some tax, and he would most willingly assent to any measure of that kind. He agreed with the noble marquis as to the necessity of some measure by which the poorer classes would be relieved from their present burthens, and for many of those burthens a fair tax on property should, he thought be substituted. He had conversed on this subject with men of all parties and they almost all seemed to be of opinion that such a tax would be the best under the present circumstances.

Sir *James Mackintosh* said, that among the many extraordinary novelties which he had heard that night, there were none which gave him more surprise than part of the speech of the hon. member who had just concluded. That hon. gentleman had stated, that no inquiry which he had seen conducted at the bar of that House had ever ended but with disgrace; that one of the greatest functions of an important branch of the legislature could not be exercised but with disgrace.

Mr. *Stuart Wortley* here observed, that his remarks referred not to the House but to the party.

Sir *J. Mackintosh* continued—The explanation of the hon. gentleman did not alter the view which he had taken of this extraordinary assertion. What could the hon. gentleman have meant but that the disgrace would attach to the House? The very assertion itself was used to show that no inquiry ought to take place in the House. And why? Because, forsooth, no inquiry had been conducted by that House without disgrace. What was it whether the disgrace of an inquiry fell upon A, B, or C; it was still, according to the argument of the hon. gentleman a disgrace, caused by an inquiry at the bar of the House. Now, he asserted, without fear of contradiction, that a more gross attack on the constitution was not contained in any of those seditious libels which had been alluded to, and in disgust for which he fully participated. What did it amount to? Why to this—that the House could not engage in one of its most important functions, that of inquiry, without disgracing itself or the object of the inquiry. He could not conceive a more seditious libel than was contained in this elaborate argument; or, he should rather say, this animated invective on the inquisitorial powers of the House of Commons. But this was not the only novelty in the hon. gentleman's speech. There were some others equally curious. The hon. gentleman had admitted at York the necessity of the very inquiry which he now deprecated as a disgrace to the House. He had agreed to a declaration which, as it were, pledged the parties signing it to inquiry, and upon that very ground he might call upon the hon. member for his vote in favour of the amendment.

Mr. *Stuart Wortley* here interrupted the learned gentleman and said, that the declaration was drawn up in such a way as not to pledge the persons signing it to a particular vote for inquiry.

Sir *J. Mackintosh* resumed.—He protested that every thing of judicial knowledge which he possessed was still more confounded by the explanation of the hon. gentleman. It was hardly possible to imagine any thing more strange than this conduct of the hon. gentleman. He, according to his own admission, stated, that he seemed to agree in York to a principle which he at the same time intended to defeat in London. Did he mean at that time that the inquiry to which he should give his assent should be a judicial one? If he did, was it that the House of Commons should prosecute the inquiry in a court of law? a proposition which, when considered as made at a county meeting, was almost too absurd to be supposed to have existed in the mind of any. But, if the hon. gentleman had meant by inquiry an investigation by parliament, that was clear and intelligible. Yet, how did he now strive to get rid of it? It had been objected to his right hon. friend that he was not decisive in his amendment. He (sir J. Mackintosh) conceived him decisive and explicit. His right hon. friend was at all times so clear in his reasoning, that it was impossible to mistake him. He denied also that the amendment or the observations which accompanied it, were of a vague character. They spoke a disposition to conciliate, and by that conciliation to render coercive measures unnecessary. If the noble lord (Castlereagh) was not satisfied with the observations of his right hon. friend, would he attend to

those of the noble marquis? He trusted that the manly, humane, and feeling speech of that noble lord—a speech which was worthy of his high rank and extraction—would not pass without effect. To the principles there laid down he fully subscribed. To institute inquiry into real or imaginary grievances, would do more good than all the coercive measures which it would be in the power of the House to enact. He conceived that coercive measures would be productive, not of quietness, but of increased discontent. The history of the world in ancient and modern times, particularly in the latter, gave ample ground for a doubt of the policy of coercive measures. To those who weighed recent events in this and other countries, that doubt must appear extremely natural. Coercion produced that kind of feeling which often rendered its increase necessary; and thus a system of action and counteraction was kept up, till it ended at last, through the bloody road of anarchy, in absolute despotism. He did not mean to say that this consideration should render statesmen inactive in times of popular ferment, but it should render them cautious in the adoption of measures by which that ferment should be allayed, and mindful of the fatal consequences which might result from an overstrained exercise of power. There was nothing so dangerous in a free state as to close the door against inquiry into any real or alleged grievance. With regard to the meeting of the 16th of August, he would not venture now to declare whether it was or was not an unlawful assembly: he should confine the few observations he had to make to the consideration of four points; and he should endeavour to show, first, that there was sufficient cause for inquiry; secondly, that no effective inquiry had yet been instituted in any of the courts of justice; thirdly, that there was one most important part of these melancholy transactions, which could not undergo an investigation in a court of law; and fourthly, that upon principle and uniform practice, this and the other House of parliament had inquired into such matters. As to the first point, the very existence of contradictory statements on the one hand and on the other, was a sufficient justification of the proceeding, especially as they were connected with some facts which were not denied by either party. It was, he believed, an undisputed fact, that a meeting was convened at Manchester, for the purpose of considering a public grievance, and that the assembly, not having previously broken the peace by proceeding to any violent acts, was dispersed by an armed force, acting under the orders of the magistrates, and that this dispersion was attended with violence and bloodshed. That an inquiry was requisite few could doubt; and the only question was, in what manner that investigation should be made. With respect to the second point, that no effective proceedings had yet been instituted in any court of law, he was fully sensible; there were two prosecutions now pending, relative to this affair; the one an indictment against a man of the name of Owen, for perjury, and the other against Mr. Hunt and his associates for a conspiracy to subvert the laws and constitution by force and terror; but he wished to impress upon the House, that neither of these proceedings had any relation to the important point to be considered—the mode of executing the warrant, and of dispersing the meeting. The prosecution against Owen was for a matter wholly distinct from these two considerations; and with respect to the case in which Mr. Hunt was concerned, supposing that a verdict of acquittal should be found, what proof could it be that the magistrates had been guilty of improper conduct? In the event of a conviction, the same observation would apply, because Mr. Hunt and his associates might be guilty of the crime of conspiracy, and yet the magistrates might have committed a great impropriety in the exercise of their discretionary functions. It would be recollected, that there had been two warrants against Mr. Hunt, under the first of which he had been committed on the 16th of August as the ringleader of an unlawful assembly, and was bound over to keep the peace until the period of trial should arrive. This warrant did not allude to any previous conduct, but confined itself entirely to his behaviour at the meeting. It did not contain any accusation of conspiring to subvert the government; the charge was simply that he had been present at an unlawful assembly. On the 20th August he was again brought up, and was then informed by Mr. Norris, the presiding magistrate, that there was further evidence against him, and that he would be remanded for high treason. On the 27th, a fresh warrant was made out, and Mr. Hunt was committed for a conspiracy

to subvert the constitution. It followed, therefore necessarily, that the evidence intended to be produced was believed subsequently to the commitment under the first warrant. Upon the best consideration, therefore, which he could give to the subject, he could not conceive any more fair or equitable mode of investigation than a parliamentary inquiry. For his part he could not understand how these legal proceedings could be conceived for a moment at all to involve the real merits of the case. The noble lord opposite had, in the course of his speech cited names of very high rank and respectability; and had hinted at indictments which might be instituted against the yeomanry. But even if such a prosecution were commenced, how would that affect this question? The conviction or acquittal of the yeomen would not decide the question as to the propriety or impropriety of the conduct of the magistrates. How, then, did the question stand with respect to these magistrates? They had an undoubted jurisdiction, and for the improper exercise of their power, they could not be rendered amenable in a court of law, without a proof of malice. If it appeared that they had behaved more rashly in this affair than usual, or had been overheated by passion, this was no crime, and could not be punished by a court of law; for he never yet heard of a criminal information filed against a magistrate for want of calmness, moderation, or forbearance in the exercise of his magisterial powers. It never could become a question in a court of law, whether a magistrate having before his eyes between 40 and 50,000 people, a great portion of whom were women and children, and curious, idle, and innocent spectators, exercised his discretion properly, by directing the execution of a warrant, the consequences of which might naturally have been foreseen. It was a fact which all admitted, that these magistrates saw the whole of the transaction, the execution of the warrant, and knew the irritable disposition of the people. Were not, then, all these circumstances so many reasons for further deliberation before the warrant was executed? It had been said, he knew not with what truth, that one of the magistrates had been impeded, and that another had been knocked down. Allowing for a moment that this were the case, was this a sufficient justification of their conduct? Was this an answer to all the accusations brought against them? Were they on this account to be allowed to do that in five minutes which the Riot act required to be done at the expiration of an hour? It was indeed said, that there might be danger in delay; but who would be so bold as to venture to assert that the danger was so great that the time required by the act could not be allowed to elapse? Could the people, surrounded as they were on every side with troops, have created any disturbance? He really should be almost inclined to think that the attack was made more in the wantonness of triumphant strength than in consequence of the existence of any real danger. With these reflections upon his mind, he could not help contrasting the conduct of the Manchester magistrates, with that of the magistrates of Glasgow and Paisley. Those gentlemen had conducted themselves with a most praiseworthy forbearance: they had shown true courage and sound discretion, and had permitted every thing short of actual violence, rather than spill the blood of their fellow-countrymen. This was the firm, manly and intrepid conduct of British magistrates, and it was not until the 16th of August that this temperate conduct and praiseworthy forbearance was departed from, and a scene of violence, attended with acts of bloodshed, commenced. With respect to the number who were wounded on this memorable occasion, an hon. gentleman opposite had stated the whole amount to be twenty-six, according to the list of the infirmary. In making this statement the hon. gentleman should have recollected that this return could not possibly include the whole number of wounded, as it must have embraced a circuit of from ten to fifteen miles round Manchester. With respect to this point he had kept his understanding in suspense, being well aware, that in such cases as these, exaggeration might inevitably be expected. In this way of viewing the subject, he found great consolation, as it stripped the case of many points which would otherwise tend to embarrass it. The noble lord opposite, to his utter astonishment, had asserted, that the proposal for a parliamentary investigation was a perfectly novel proceeding. This was to him, of all the other statements made by the noble lord, the most extraordinary, because he was satisfied in his own mind, and he hoped also to convince the House, that it was almost the uniform

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practice of both Houses of Parliament to investigate such subjects as the one now presented for consideration. On this point he had collected some precedents which he would shortly cite with the leave of the House. The first was one of rather a singular nature, inasmuch as it applied to the magistrates of the county of Lancaster. That county had been remarkable for disaffection of various and and opposite kinds; it was at present supposed to be hostile to the constitution; and it was formerly charged with entertaining too strong an attachment to the exiled royal family. In 1704, the House of Lords addressed her majesty for a copy of the commission of peace. A list of the names of the magistrates of the county was furnished; and from this list several names were struck out. This was done after a strict inquiry had been instituted; and he saw no sound reason why that course should not in the present instance be followed. The next instance of this nature was in the case of the execution of Porteous, in 1737. An inquiry was instituted, and the result was, that a bill of pains and penalties was passed. The House had not yet forgotten what was the mode of proceeding in 1794, when the secret committee sat on the state of the nation. Did not their reports tend to influence the judge, the jury, and the public, on the subsequent trials for high treason, and was not the same evidence produced on the trial as was made public from the labours of the committee? Of this he did not complain, because it was the regular constitutional course; but he might, if it were necessary, allude to many instances of a similar nature, all having the same tendency to influence the public mind. It was also well known to be the common practice of that House to address his majesty for the purpose of obtaining the prosecution of an individual: and it was in the knowledge of honourable members that the attorney-general was frequently instructed to prosecute for bribery and other offences. This was the common practice; but could this be said to be prejudging? No, it was an accusation only which the House had full power to make. If this was prejudging, a grand jury might be said to prejudge in finding their bill, or the counsel for the prosecution in stating the case to the jury. This was a view of the subject, the fallacy of which a very little reflection would readily demonstrate. The noble lord had told the House, that such a demand as was now made was novel; but would the noble lord state any instance since the revolution, where a meeting, legally and peaceably assembled, was dispersed by a military force? He did not ask this as a matter of law but as a matter of fact. The answer must be obvious. Was it not, then, he would ask, worth while to consider, that when those hasty thanks were communicated to the magistrates, a most dangerous example was set to all the other magistrates of the country; and was not the praise of such conduct as he had described, a tacit censure upon the excellent magistrates of Glasgow and Paisley? In the cases where the latter had acted, there had been such a violation of the law on the part of the populace, as would have justified an immediate resort to severe measures, and have raised every hand against them. Yet they were treated with lenity; and what was the consequence? No serious injury ensued. The noble lord had said that ministers had not disgraced earl Fitzwilliam. True, they could not. He had also added, that the conduct pursued towards him did not throw an additional lustre on his popularity. He (sir J. Macintosh) believed it did. But then it should be asked, was such the intention of the noble lord and his colleagues? Did they mean to honour, or to debase him? For his part, the dismission of earl Fitzwilliam appeared to him to be as gross an outrage on honour and virtue, on rank and fortune, as had ever disgraced any administration in this country in modern times. It was a mark of that kind of exclusive and proscriptive policy, which ministers seemed determined to adopt towards all those who should presume to hold an opinion of their own. Lord Fitzwilliam had not fawned upon the government in the days of its power, but he stood by it in the time of danger. He was one of those who were described by his great friend (Mr. Burke), who said, that the hour of danger was the time to distinguish the true friends of the government from the time-serving and slippery sycophants of the court. The noble lord had called in new evidence against earl Fitzwilliam. He had had recourse to the evidence of Wooler; as if he did not consider his own sufficient. It was rather surprising that the noble lord had not had recourse to the editor of the "Cap of Liberty," the "Medusa," and other journals equally respectable. They might

have borne equal testimony against the noble earl; but the fact of the noble lord having adopted this new ally in his war against earl Fitzwilliam, proved, that in the strict and honourable discharge of his duty, the noble earl had not lent himself to either the court or the levellers; but had condemned the excesses of both, and thereby lost the favour of each. The hon. and learned gentleman then observed, shortly upon the general satisfaction with with which the vote of that evening would be received, if it embraced the amendment of his right hon. friend. The question, he said, was one of the most important which had ever occupied the attention of the House. If the inquiry should be gone into, it would rub out as foul a blot and black a stain as ever disgraced the history of this country. The hon. and learned gentleman concluded amidst considerable cheering.

Mr. *Plunkett* * commenced by observing, that the question before the House had not been very fairly treated. Much had been introduced which did not necessarily connect itself with the subject, and which had a tendency to divert the attention of the House from the deeply important matters which pressed for their consideration. There had been some address in making the case of lord Fitzwilliam so principal a topic. As a ground of argument, applicable to the present question, it could not be justly resorted to by any person who did not go the length of asserting, that the dismissal of that nobleman would warrant parliament in a refusal to consider, or to make provision against, the dangers with which the country was threatened, and which were announced in the speech from the throne. No person, on any side of the House, had laid down so extreme a position; on the contrary, the amendment of his right hon. friend admitted the danger, and the necessity of meeting it by suitable provisions. He would therefore, in his view of the subject, relieve himself from a discussion which he could not approach without feelings of great embarrassment. His habitual reverence for that distinguished nobleman was such, that he could scarcely hope to bring his mind, fairly and impartially, to any investigation which affected him. He considered his character as uniting every thing noble and generous in freedom, with every thing which could exalt or dignify the aristocracy of the country; and he therefore took leave to dismiss this subject as one not connected with the debate; and, in doing so, he felt much satisfaction in the statement of the noble lord (Castlereagh) that the dismissal of earl Fitzwilliam was founded, not on any personal imputation, but on a difference of opinion with his majesty's government, on points involving the exercise of his duties as lord lieutenant of the West Riding.

Again, he thought the subject had, in another respect, not been very fairly treated by his right hon. friend, or by his hon. and learned friend who immediately preceded him. It was stated, in the speech from the throne, that a revolutionary spirit was at work in the country, which threatened its safety and its existence; and the truth of this statement was not denied, but indeed admitted, by the amendment: Was it then perfectly fair to call the attention of the House from the consideration of this public danger, and its remedies,—from the machinations and arts of those who were preparing measures for the subversion of the state, and the overthrow of every constituted authority,—to the plans and objects of that portion of the peaceful and loyal subjects of this country, who respected the law and constitution, and were desirous of improving them? This latter description of persons were entitled to the most attentive and respectful consideration. However he might differ from them, on the subject of parliamentary reform, he considered their objects as honest, and their means of effecting them as constitutional. Whenever, at any proper time, and in any proper form, their claims should be brought before parliament, they should be listened to with attention, and with respect. Their proposals, if reasonable, should be yielded to; if not so, should be met by fair argument and calm discussion: and the result, in either event, would be satisfactory and conciliating. The people of England were a reasoning and reasonable people: but was it fair, either to them or to the country, to confound their cause, and their objects, with the persons whom we now were called upon to deal with, whose undisguised aim was to pull down the entire fabric of our constitution, and to effect a revolution by force? Against this immediate and overwhelming danger it was the first duty of

* From the original Edition printed for J. Hatchard, Piccadilly.

parliament to provide. And to turn aside from the discharge of this urgent and paramount duty, to the discussion of subjects of inferior importance, and of distinct consideration, would be an abandonment of the interests of the country. When he saw a revolutionary project ripe for execution,—when he saw that sedition and blasphemy were the instruments by which it worked, and that open force was to be employed for its accomplishment,—he felt it to be trifling with the duties of the House, and with the safety of the country, to turn our view to any other object, until the terrors which hang over our existing establishments were first dispelled.

No person, he was happy to see, denied the existence of these dangers; but he thought there was some tendency to underrate their extent, and to undervalue their consequence. It was said, that the public mind in general was sound: he trusted and firmly believed it was so. He was convinced that the strength and spirit of the loyal subjects were sufficient to put down the enemies of law and of order; he therefore was apprehensive, not of revolution, but of the attempt at revolution, which he believed in his conscience would be made, if not prevented by the vigilance and energy of parliament: and what he contemplated with the deepest alarm was, the miseries which such an attempt, in its progress to certain and necessary failure, must produce. If this mischief should once burst forth, he anticipated a series of horrors which must shake the safety and happiness of this country to its foundations. The very circumstances which must ensure the ultimate failure of the enterprise aggravated its dangers. Revolution, always calamitous, yet, when pursued for some definite purpose, conducted by abilities, tempered by the admixture of rank and of property, may be effected, as it had before been in this country, without any incurable shock being given to the safety of persons or of property. But here was a revolution to be achieved by letting loose the physical force of the community against its constituted authorities; a revolution for the sake of revolution, to take away the property of the rich, and to distribute it among the rabble; and this, too, no ordinary rabble, but one previously debauched by the unremitting dissemination of blasphemous libels, and freed from the restraints of moral or religious feeling. On this subject he felt sufficient confidence at once to express his opinion, without waiting for any of those documents which the noble lord proposed to lay before the House. There were facts of public notoriety, known and seen by every man who did not choose to shut his eyes. Had not meetings been proposed for the purpose of assuming the functions which belonged only to the sovereign power of the state—meetings, which if they had been actually held, would have been acts of high treason? When it was found that matters were not sufficiently ripe for this undisguised act of public rebellion, had not the same masses of the populace been again convened, under the direction of the same leaders, under the pretext of seeking Universal Suffrage and Annual Parliaments,—their very pretexts such as the constitution could not survive, if they were effectuated, but their real object being to overawe the constituted authorities by the display of their numerical strength, and to prepare for direct, immediate, forcible revolution? Had we not seen the same itinerant mountebank, who set their powers in motion, publicly assisting at the orgies of the blasphemous wretch lately convicted? and could we doubt that treason was the object, and that blasphemy and sedition were the means? When he saw these fiends in human shape endeavouring to rob their unhappy victims of all their consolations here, and of all their hopes hereafter,—when he saw them with their levers placed under the great pillars of social order, and heaving the constitution from its foundation, he was rejoiced to see parliament assembled. Their first duty was to convince these enemies of God and man, that within the walls of parliament they could find no countenance; and through the organ of parliament to let them know, that nothing awaited them but indignant resistance from the great body of the people.

They were bound to assure the throne of their loyal and cheerful co-operation for these purposes; and on this ground alone the amendment was objectionable, even if the measure suggested by it were in itself desirable; inasmuch as by tacking it to the address, and not proposing it as a separate resolution, it declared the measure of inquiry so essential, as to preclude all exertions for the safety of the state, until that inquiry should be disposed of. But, waving this objection, he should proceed to consider it on its own merits.

It was said, then, that the dispersion of the meeting at Manchester, of the 16th of August, called for parliamentary inquiry; —and here he begged leave to remind the House, that parliamentary inquiry, though certainly a proceeding recognized by our constitution, was, still, not the ordinary mode of investigating, either the conduct of magistrates in the execution of the laws, or the conduct of those who were the objects of the execution of those laws. A case, therefore, for inquiry, was to be made out by those who called for it. What, then, was the inquiry proposed? Was it into the conduct of government, for thanking the magistrates? Such a proceeding, he owned, appeared to him most premature and uncalled-for. If the magistrates had issued orders for dispersing the king's subjects peaceably and legally assembled;—if, in consequence of such orders, the blood of innocent and unoffending persons had been shed, the conduct of ministers in advising his royal highness the Prince Regent to thank them for such acts would call for inquiry and for censure. If, on the contrary, bodies to the amount of 20,000, or 70,000, he cared not which, but to an amount beyond the means of the civil power to deal with, had marched in regular columns, and in military array, with seditious banners, into the heart of one of the most populous and most inflammable towns in the empire; if these men had been previously drilled to military exercises;—if they had been shortly before convened for a treasonable purpose;—if they resisted the authority of the peace-officers executing the warrant of the magistrates;—if, in short, the case stated by the noble lord, and by the honourable member for Dover, was correct, then he had no hesitation in saying, that his majesty's ministers were not only justified in returning thanks to the magistrates, but that it was their bounden duty to do so; and that those gentlemen, acting in the discharge of a most important duty, in a crisis of public peril, and undertaking an awful responsibility for the public service, were entitled to have the sense of the executive government on their conduct. When it was said that this is prejudging the question, it seemed to be taken as granted, that the executive power of the country is not in any degree lodged in the government. Would it not have been their duty to have given previous advice and instruction to the magistrates on such a subject, and with a view to such an emergency? When they direct the public prosecutor to proceed against any individual, can that be considered as a prejudging of the question? To this extent it is the exercise of their proper function, which they cannot neglect without an abandonment of duty; and if they felt, under all the circumstances, that the conduct of those most meritorious public servants deserved their praise, it would have been unjust and mean to have withheld their expression of it. How, then, could the propriety of the letter of thanks be judged of until the facts were ascertained? True, it was said; and therefore inquire. Certainly; but how? Clearly by the regular course of law, and by the regular tribunals of the country, unless some case were previously established, showing that these tribunals were inadequate or unsuited for the purpose. Bills had been found against several of the persons alleged to be actors in this seditious meeting: on these trials the legality of the meeting would be necessarily the subject of investigation. And why was it that these trials had not taken place, and the public mind, through the regular constitutional channel of a trial by jury, been informed of the real nature of these transactions? Why? because the persons so accused had availed themselves of the delay which the law unfortunately allows, and had postponed their trials until the Spring assizes. But it is said, that although the legality of the meeting might be decided on in those cases, still the conduct of the magistrates in dispersing it might be illegal; and this would not necessarily, in them, come under discussion. Why, then, were not proceedings taken on the part of the persons alleged to be aggrieved or injured by the acts of the magistrates? The hon. and learned member made the absence of such proceedings a ground for parliamentary inquiry; but was not the fair inference from the absence of such proceedings this, that no reasonable foundation for them existed? But the grand jury had thrown out the bills preferred on behalf of these persons: Was this a ground for parliamentary inquiry? Was it to be presumed that the grand jury of the county of Lancaster had violated their oaths? An artifice had been resorted to, for the purpose of rendering the administration of justice suspected in the public mind, by publishing the informations which had been sent up to the grand jury; but every gentleman must be

aware of the difference between an information, in which the party states the facts according to his own views, and a *vivâ voce* examination before the grand jury, in which the entire truth is extracted from the witness. But, suppose the grand jury had erred in ignoring the bills, fresh indictments might be sent up to any succeeding grand jury. Was the entire county of Lancaster to be pronounced incapable or unwilling to exercise such functions? But magistrates refused to receive informations: was not their conduct examinable in the court of King's-bench? And might not all the facts connected with such a transaction be fully examined on affidavits? and, if any doubt existed, by a jury, on an information under the sanction of the court? Was the court of King's-bench also to be included within the ban of this proscription of all the constituted authorities? But the hon. and learned member said, that the court of King's-bench would not interfere, unless the magistrate acted wilfully; and that he might commit an error which would not subject him to punishment: was this, then, a ground for parliamentary interference, to stop the course of law, and subject the public functionary to an extraordinary visitation of public vengeance? Were the different points of the argument of the hon. and learned member altogether reconcileable? When his object was to make out a case so important as to call for parliamentary inquiry, he stated the conduct of the magistrates as a daring violation of the subject's privileges, a triumph of authority over law, a foul stain upon our laws, forming a black era in the annals of our country; but when it became an object to shew that there might be a case in which the courts of law would be incompetent to investigate the truth, then this foul deed, this portentous violation of the laws and of the constitution, dwindled into an error in judgment, too slight and too pardonable to warrant the interference of the court of King's-bench. Was such an error, if it did exist, he would ask, a case for parliamentary inquiry? Was this the way in which the conduct of magistrates was to be examined by parliament? He owned he was not one of those who were disposed to examine too critically the conduct of magistrates acting in perilous times, under heavy responsibility; and sure he was, that if the benignant principle of the law shielded their errors, it was not the province of parliament to deprive them of that protection. Further he would ask, if any individual was aggrieved, where was the bar to his remedy by civil action, in which the whole merits of his case would be discussed in a court of law, and decided on by a jury of his country? What pretence was there for saying that justice had been denied, or even delayed? Unless the House was prepared to bring to its bar the grand jury of Lancashire,—unless they were prepared to say that the whole body of public functionaries, petty juries, grand juries, magistrates, and judges, were linked in one common conspiracy against the peaceable petitioners, who assembled at Manchester on the 16th of August,—they had not ground or principle on which they could order this inquiry. He deprecated such a proceeding, as calculated to give efficacy to the plans of the revolutionary party for the degradation of the public functionaries, and to stamp, with the authoritative seal of parliament, what hitherto had rested in vulgar calumny, and in popular clamour. He believed that such an inquiry, instead of being calculated, as was alleged, to allay dissatisfaction, and to conciliate the public mind, could have no other effect than to raise the hopes and spirits of the revolutionists, and to strike damp and panic into the heart of every loyal subject. Besides this, the course was wild and impracticable. How was this inquiry to be conducted? At the bar of the House, or in a committee? Was this inquiry to supersede the proceedings already instituted in the king's courts? Or, were the two classes of proceedings to be carried on simultaneously? If the former was to be the course, the laws were to be robbed of their authority, and the subject of his redress, by a proceeding utterly unsuited to the purposes either of punishment or of compensation. If the latter, we were to have the anomalous and unprecedented spectacle of persons being tried, on charges affecting their persons and properties, perhaps their lives, in proceedings before juries, and with witnesses on oath, in the regular courts of law, while the very same facts were undergoing a discussion, without oath, before the extraordinary tribunal of parliament. Was it possible that either public or individual justice could be obtained by such a course, or that any result could be derived from it, calculated to maintain the authority of the

laws, or the dignity of parliament? Such a proceeding, he must say, appeared to him wild, unprecedented, and impracticable.

His hon. and learned friend had adverted to three cases, as precedents to warrant such a course as that now recommended. The first was a case in the year 1714, in which the House of Lords, for the purpose of procuring the removal of magistrates who were supposed to entertain Jacobitical principles, had addressed the throne for a list of the magistrates, and entered into a strict inquiry; in consequence of which, several of those magistrates were dismissed. Was there any trial then depending in a court of law? Was there any specific fact that could be inquired into in a court of law? Or, was it any thing more than a proceeding to enable parliament to advise the Crown, with respect to the wholesome exercise of it's prerogative?—The second was the case of the murder of Porteus, by the mob of Edinburgh (which had derived much celebrity from a late popular work). Was that a proceeding affecting any trial depending, or with a view to any individual punishment? It was, as fairly stated by the hon. and learned member, an inquiry, in order to ground a bill of pains and penalties against the town of Edinburgh, and which was accordingly passed.—The third instance alluded to, was the inquiry instituted before the secret committee in 1794. That was an inquiry for the purpose of grounding measures for the public safety; and was with reference to the general state of the country, not into the conduct of local magistrates, and on a particular occasion. Again the danger of its incidentally affecting the rights of individuals, who were liable to be tried in the courts of law, was so strongly felt, that the inquiry was a secret one; when published, the names of individuals were suppressed; and even under all these circumstances, the possibility of an impression unfavourable to these individuals having been made by the report, was so strongly felt, that Mr. Erskine relied on it, and successfully, and in some instances, as he (Mr. P.) believed, acquittals were obtained on that ground.—When his hon. and learned friend, with his extensive knowledge and research, could produce no other instances than these, he felt himself justified in repeating the assertion, that the measure was unprecedented.—But there was a case not alluded to by his hon. and learned friend, as he recollected, about the year 1715, in which a parliamentary inquiry having been directed, into the nature of a certain meeting at Oxford, which was alleged to be riotous, a number of affidavits were produced on one side, and after an unavailing demand of examination on the other, the inquiry was found so impracticable that it was dropped, and no further proceeding founded on it.*

* The reference appears to have been made from memory, and, though substantially true, was certainly inaccurate in expression. The facts were these:—A tumult having arisen at Oxford, on the prince's birth-day, and the loyalty of the mayor and of the heads of the university being called in question, the lords of the council examined into the case on affidavits, not with reference to the riot, but with respect to their conduct as to rejoicing on the prince's birth-day,—a matter which could not be the subject of any legal inquiry. The council came to the following resolution: "Resolved, that the heads of the university and mayor of the city neglected to make any public rejoicing on the prince's birth-day; but some of the collegiates, with the officers, being met to celebrate the day, the house where they were was assaulted, and the windows were broken by the rabble, which was the beginning and occasion of the riots that ensued, as well from the soldiers as the scholars and the townsmen; and that the conduct of the mayor seems well justified by the affidavits on his part." On the 25th March, 1717, the Lords addressed the Crown, that the proper officer should lay before the House the complaints and depositions relative to the riots and disorders complained of at the city of Oxford, and the proceedings which had been had thereon. In consequence of this address, the documents, consisting among others of fifty-six affidavits by the officers and soldiers, and fifty-five affidavits on the part of the mayor and city, were laid before the House of Lords, and referred to a committee of the whole House. On the 3rd of April, 1717, the committee repealed two resolutions: viz. an approbation of the resolutions of the lords of the council, already stated; and, secondly, that the publication of depositions, while the matter was depending in council, was disrespectful to the prince, and tending to sedition. A petition against this re-

The case for inquiry, he therefore contended, was unsupported by precedent, and was not bottomed on any ascertained fact, or even on any statement made by any member in his place, of any case which, if true, would warrant its adoption. Indeed, he had not heard any member assert the legality of the Manchester meeting. He was confident that no man, acquainted with the laws and constitution of the country, would venture to do so.

The House, he trusted, would excuse him, if he trespassed a little further on their patience, by stating his opinion, as to these public meetings. The right of the people of this country to meet, for the purpose of expressing their opinions on any subject connected with their own individual interest, or with the public welfare, was beyond all question; it was a sacred privilege, belonging to the most humble, as fully as to the highest subject in the community: they had a right to the full expression, and to the free communication, of such sentiments; to interchange them with their fellow subjects; to animate and catch fire, each from the other. He trusted that to such rights he never should be found an enemy. But he must say, that these rights, like all others, to be exercised in civil society, must be subject to such modification and restriction as to render them compatible with other rights, equally acknowledged, and equally sacred. Every subject of this realm had an undoubted right to the protection of the laws, to the security of his person and his property, and still more, to the full assurance of such safety; and he had no hesitation in asserting, that any assembly of the people, held under such circumstances as to excite in the minds of the king's peaceable and loyal subjects reasonable grounds of alarm, in this respect, were illegal assemblies, and liable to be dispersed as such. He thought it important that it should be understood, that these rights were restricted, not merely to this extent; namely, that they must not assemble for an illegal purpose; that they must not assemble with force and arms; that they must not use seditious language; that they must not revile the laws or public functionaries; but, beyond all this, that they must not assemble under such circumstances, whether of numbers or otherwise, as to excite well-grounded terror in the minds of their fellow subjects, or to disturb their tranquil and assured enjoyment of the protection of the laws, free from all reasonable apprehension of force or violence. A vulgar notion may have prevailed, that if the avowed and immediate purpose of such meetings were not illegal, or if they had not arms in their hands, or if no force was actually used, or immediately threatened, the assembly was legal:—no opinion could be more unfounded. And he did not fear contradiction from any constitutional lawyer, when he asserted, that any assembly of the people, whether armed or unarmed; whether using or threatening to use force, or not doing so; and whether the avowed object was illegal or legal, if held in such numbers, or with such language, or emblems, or deportment, as to create well-grounded terror in the king's liege subjects for their lives, their persons, or their property, was an illegal assembly, and might be dispersed as such. Such had been the law, as laid down by the ablest of our lawyers, and of our judges, from the earliest period of our jurisprudence, and in the best times of our history and constitution, before the revolution, and since the revolution, independent of the Riot act, or of any statutable enactment, by the principles of our common law, which was always founded on the principles of common sense. The application of this principle to each particular case must always be a matter of discretion; but, in cases like the present, it could not admit of doubt or difficulty. When meetings became too strong for the

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solution was offered on behalf of the vice chancellor, the mayor and magistrates, who desired to be heard in reply. Their application was refused, and the resolutions already stated were adopted by the House, and no further proceedings were taken. And even from this mere adoption of the resolution in council twenty-eight peers dissented, assigning this among other reasons, namely, that the matters of fact were not sufficiently inquired into, from want of opportunity of replying to the affidavits; and because, by such proceedings, the magistrates may be discouraged from doing their duty on such occasions. These facts appear on the Journals of the Lords; and it is conceived they substantially warrant the statement of this case, as one tending to show the futility of such inquiries, although they do not confirm the exact words of the statement.

civil power to deal with them, the laws must prohibit them; if not, recourse must necessarily be had to military force. When the citizen became too strong for the law, the magistrate of necessity became a soldier; and those who justified these unrestricted meetings were the worst enemies to the liberties of their country, and laid the foundation of a military despotism. If bodies of the people, not convened by any public functionary, but called together by mountebanks, whose only title was their impudence and folly, were entitled to assemble, not in thousands, but in tens of thousands; to march, with banners displayed, in military array, into the hearts of populous cities; and if the laws were not competent to assure the people of this country against the panic and dismay excited by such proceedings, there was an end to the constitution.—He implored the House to protect the country from the effect of these desolating plans which were now in operation. Even though they should not break out in actual rebellion, their mischiefs were beyond calculation. The principles of respect for the laws and orders of the state, the reverence that was due to the sacred obligations of religion, these were not the results of momentary feelings, which might be thrown aside and resumed at pleasure; they were habits which, if once removed, could not easily be restored. If those sacred sources, from which were the issues of public happiness and virtue, were once tainted, how was their purity to be restored? He had reason to believe, that the blasphemies, which had excited the horror of all good men, had been fashioned by these miscreants into primers for the education of children, that these helpless beings, in receiving the first elements of knowledge, might be inoculated with this pestilence. He again implored the House to act with decision and energy, while yet it was in their power. If the great foundations of public safety were once shaken, the united exertion of all the honest men of every party might come too late. On these grounds he deprecated the amendment, as calculated to give encouragement to the worst enemies of the state; and cordially concurred in the original address.

Mr. *Scarlett* began by observing, that with many of the magistrates of Manchester he had long been in habits of intimacy, and every one of them he knew personally. He should certainly be most unwilling to see them judged by the exaggerated and distorted statements that had been laid before the public. It was not, however, because he thought them guilty, that he wished for an inquiry, but in order that circumstances might appear that would destroy the delusion which had taken hold of the public mind. His hon. and learned friend coming from a distant part—distant, he meant, from the scene of these proceedings—did not appear to be informed so intimately of the facts of the case as to warrant the decided manner in which he had spoken of them. There was one recommendation of his hon. and learned friend which he certainly never expected to hear on this side of the channel, and that was, "that they should decide on the facts first, and then inquire." [A laugh]. Without saying, that he imputed to his majesty's ministers the intention of governing the people by force, he might remark, that such an inference had been drawn by part of the public from the proceedings in question; and since it was so alleged, it was necessary that an inquiry should take place, in order to remove that dangerous delusion; and if, on inquiry, it should appear (which he could not suppose) that government had entertained such an intention, that government should meet the censure which it deserved. He was sorry to observe the manner in which his hon. and learned friend who spoke last had argued on this subject. He (Mr. Scarlett) did not mean to treat this as a legal question; he conceived it to be paramount to all special pleading, of which his hon. and learned friend's speech had too much the air. He should not enter at large into the character of the meeting at Manchester, but from what he had heard he thought it likely that the motives of the persons who called it were criminal, and that many of the persons attending it had criminal intentions. But many such meetings had been held before and since; and he was surprised that the persons attending these meetings had never been punished. In July last, a few days after the prorogation of parliament, a meeting was held in Smithfield, at which it was resolved that the laws were not to be obeyed after January, 1820, and that no taxes were to be paid after that date; and having never yet heard of any proceedings to punish the persons who had passed these resolutions, he was surprised

that a meeting should be put down by force, at which no such resolutions had been passed. The first meeting advertised would undoubtedly have been illegal, and on this account the object was changed, and the second Manchester meeting, of the 16th August, took place. What followed? Hunt and his associates were arrested, and after the warrant of the magistrates had thus been executed, the people assembled were cut and trampled down by the yeomanry. The noble lord had asserted that the magistrates never contemplated the dispersion of the mob by the military. Would the public give the noble lord credit for this important fact? Would they not require that it should be proved at the bar? As a lawyer he agreed that the Riot act need not be read before the dispersion of an illegal meeting, and he also agreed that if in a contest with constables in dispersing an illegal meeting, the civil power destroyed life, it was justifiable homicide; but he denied most firmly that, if persons continued on the ground after the arrest of the ringleaders, the yeomanry, by any law of this country, were authorized in cutting them down. Those who remained were guilty of a misdemeanor, but only of a misdemeanor; and it was quite too much to say, that to prevent a misdemeanor life might be destroyed with impunity, though it was otherwise in cases of felony. It might be said that the yeomanry only endeavoured to arrest; but did they secure one individual, or did they take a single man to the New Bailey? Certainly not; and, in this view of the question, supposing the meeting to have been illegal, the military had been guilty of a high offence in the deaths they had occasioned, and the wounds they had inflicted. What complexion, then, did the transaction take? The people meet to petition. The magistrates issue a warrant to arrest certain individuals; and that being executed, the yeomanry disperse the crowd at the edge of the sabre: three days afterwards, the thanks of the Prince Regent were given, both to the civil and military authorities; and what was the unavoidable inference, but that opinions, however absurd or preposterous, were to be put down by the bayonet, and that ministers intended to act on a system of military coercion? Did not this demand inquiry? Did not this call upon the whole nation to insist that inquiry should be instituted? Where, then, ought it to be conducted? Where, but in that place which was the professed sanctuary of the rights of the people—the House of Commons; where but before the grand inquest of the nation, the guardians of the constitution, and the liberties it conferred? The noble lord had talked much about the law which he did not seem to understand; but was it meant to be said, that the right of the people to meet and petition was to be left to a private action, commenced by some starving weaver, or some old woman who might take upon herself to be the championess of the nation? A great constitutional right was at stake, and the House of Commons was the only proper forum for inquiry. After some further remarks upon the point whether the Court of King's Bench would grant a criminal information against a magistrate, unless malice or corruption were proved, the hon. and learned gentleman proceeded to notice the dismissal of earl Fitzwilliam. It was known that there was not a man in the country more opposed to the visionary and absurd schemes of the radicals, yet ministers had removed him; and, what was the inference from this fact, but that, as they intended to substitute a military for a civil force, they did not think that he would be an instrument in their hands sufficiently complying? They feared that his ardent love for the constitution would oppose a barrier to their plans in Yorkshire, and that he would support the resolutions of the House of Commons in 1680, when it was declared that those who misrepresented the objects of the people, when they met for redress of grievances, betrayed the liberty of the subject. If it were quite clear that the magistrates would come out of the inquiry pure and unsullied, they would not thank the Prince Regent's ministers for their injudicious friendship in refusing to allow them to justify themselves to the world. But, notwithstanding their refusal, it became the House of Commons to act for itself, to consult the wishes of its constituents, and he never should think the worse of it for sympathising with the people.

The *Attorney-General* rose, amid loud cries for the question, and for an adjournment. He congratulated the House on the general admission that the meeting at Manchester, on the 16th of August, was illegal; and he imagined that the hon. and learned gentleman who spoke last must have forgotten that the efforts of the yeomanry were not directed, in the first

instance, to disperse the meeting, but to repel an attack that had been made upon them. The fact had been asserted, and had not, and could not be denied. And because the gentlemen on the other side might not have obtained information enough to satisfy them, that was no adequate ground for inquiry at the bar. He denied that a case of suspicion had been made out against the magistrates, and said that the presumption, after the decision of the grand jury of Lancaster, must be all in their favour. The question of the legality of the meeting would soon come before a court for decision; and he insisted that that was not only a competent, but the most competent tribunal.

Sir W. De Crespigny now moved an adjournment of the debate. The motion being seconded by sir Robert Wilson, and supported by Mr. M. A. Taylor, a division took place: Ayes, 65. Noes, 453. Majority against an adjournment, 388—When the gallery was re-opened,

Mr. *Wilberforce* was in possession of the House. He objected to its yielding to the clamour out of doors by concurring in the amendment. He insisted that the great body of the nation, at least the great body of the thinking part of it, approved of the steps the magistrates of Manchester had taken, and would be dissatisfied if inquiry at the bar were instituted. He knew that the House of Commons acted, in many instances, as the grand inquest of the nation; yet when gentlemen considered that they would be called on to investigate the conduct of the magistrates in their official capacity, and that in so doing they would be obliged to examine men, not on oath at the bar—men too, it should be observed, who professed the new system of morality, who defied the laws of God and man—perhaps they would pause before they determined to exercise those functions, by agreeing to the amendment. With respect to the transactions at Manchester on the 16th of August, he felt as deeply concerned at the circumstances of that unfortunate day as any gentleman possibly could; but, if he asked himself how the peace of the country was to be preserved, the answer must be, that if they assented to any such motion as the present, and thus sanctioned the proceedings of those bad men, who wished to produce anarchy and confusion, it would be the means of creating more discord and bloodshed than any other measure that could be devised. He admitted that there was considerable distress in the country, and if, in our present situation, it could be done without detriment to the state, he would be willing to take off some of those taxes that bore on the lower classes. But gentlemen should recollect, that the exigencies of the government must be provided for, and that it was easier to remove a tax than to propose a substitute.

Mr. *Hume* rose amidst loud cries of "Question, question." He said, that, in order to give every member an opportunity of stating his opinion on this question, which, at that late hour, it was impossible to do, he would move an adjournment of the debate.

The *Speaker*.—What does the hon. member move?

Mr. *Hume*.—That this debate be adjourned to this day.

The *Speaker*.—I beg leave to submit the difficulty that arises on this question. The House has already decided that this debate should not be adjourned.

Mr. *Hume*.—Then I beg leave to move that the House do now adjourn.

The gallery was then cleared for a division, but none took place. While strangers were excluded, the question was debated, whether it was consistent with the rules of the House for a gentleman to persist in moving the adjournment, minute after minute, in order to prevent the consideration of a question, as was done by the party in opposition when Mr. Fox was last in power. After Mr. Hume, Mr. W. Smith, Mr. Bennet, lord Castlereagh, Mr. Scarlett, Mr. Bankes, and Mr. W. Wynn, had delivered their sentiments, it was agreed that the debate should be adjourned till to-morrow.

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## HOUSE OF COMMONS.

*Wednesday, November 24.*

ADDRESS ON THE PRINCE REGENT'S SPEECH AT THE OPENING OF THE SESSION.] The adjourned debate on the Address having been resumed,

Mr. *V. Blake* said, he rose to order, for the purpose of protesting against the vote of last night on the question of adjournment.

The *Speaker* observed, that if in the impression he had taken of the hon. gentleman's object, he was incorrect, the hon. gentleman had risen on the point of order, with the view of altering and

rescinding the vote the House had passed last night. If so, that was a course in which, according to the rules of proceeding, the hon. member was not at liberty to take.

Mr. *Blake* said he rose to protest—

The *Speaker* said, it was open to the hon. member to submit a resolution to the House, to prevent any repetition of such a proceeding; but it was requisite, either that a regular notice of such intention should be given, or, at all events, be made the subject of a separate consideration. But no question, save one of privilege, could precede the regular discussion fixed for the day.

Mr. *Hume* then rose. He began by saying, that his object in pressing the motion of adjournment last night, was to afford many gentlemen the opportunity of meeting the statements and assertions of the noble lord opposite, with the information they possessed, and the conviction they entertained relative to the transactions which formed so prominent a part of his speech. He felt at the time the correctness of the course he pursued, and he was now convinced, that, when the papers presented that evening were read and distributed, the public would see the propriety of the proceeding. In the course of his speech, the noble lord had made statements, and had converted allegations into facts, upon which, from the information he had received, the noble lord would feel the necessity of affording the House further explanation. He was extremely sorry, that in the Speech from the throne, there were some points with which he could not agree; and he did consider it the duty of that House to pause before it gave to them its sanction. The Speech from the throne, stated, that a hostile spirit was abroad; he was sorry to acknowledge that such a spirit existed, but it was for the members of that House to reflect upon the causes which occasioned such discontent. What had they done during the last session to appease it? Had any effort been made to mitigate, much less remove, the accumulated sufferings which pressed so heavily upon the people? To what a situation had such a policy reduced the kingdom! Those hon. members who had so recently travelled through various parts, could bear evidence to the state of agitation that prevailed. The din of war was to be heard in every town!—military recruitings were to be seen every where, as if the government were preparing for an arduous contest! And against whom? Against our fellow-subjects! In a period of profound peace with foreign nations, we were adding to our military force—with a declining revenue we were increasing our military expenditure. When that expenditure amounted to twelve millions, the ministers of the Crown were embodying an additional force of 10,000 men. To such a ruinous proposition he could never give his assent.—The next point in the Speech to which he objected, was one which he felt could not be substantiated; he alluded to the passage in which the distresses of the country were attributed to the embarrassment of foreign states. In what way could such alleged embarrassment affect the internal peace and welfare of this country? Did the noble lord in adverting to foreign embarrassments, allude to France? He could not. There was no country in Europe more embarrassed than Great Britain. The true source of our difficulties and distresses was to be traced to our overwhelming taxation, and to the denial of a proper reform in that House. The question was not that the proposed Address was objectionable; but should the amendment be added, in his judgment that amendment was consistent, proper, and moderate.—It was stated last night by the noble lord, that the magistrates had given no orders to the military to dismiss the meeting at Manchester. If that was the case, in what a situation was the country placed! It was that day placed under military authority. Where, then, was the constitutional security? What could have prevented the military, if they pleased, from turning round on the very magistrates themselves and attacking them? In two of the letters from the magistrates presented that night, it was stated that the warrant for the apprehension of the parties was executed without any difficulty. How did this statement correspond with the assertions of the noble lord? He would not rest satisfied with the assertions of the noble lord, or of any man; he must have proofs on which to form a satisfactory opinion; he must give credit to the statements of eye-witnesses of the facts, who had no interest in any misrepresentation. Where was the proof of the magistrate being trampled upon when in the act of reading the Riot act? Where was the proof of what the noble lord asserted, that it was read three times? Nothing

of the kind was to be found in these letters; they merely glanced at it in these words:—"in the mean time the Riot act was read, and the mob dispersed." A right hon. and learned gentleman, for whose character and talents he entertained the highest respect (Mr. Plunkett) had asserted last night that the meeting of the 16th of August was illegal. He had heard him with surprise state, that meetings might be illegal in four ways, namely, by numbers, by devices, by threats, and by language. What was the numerical criterion? Was a meeting of 30,000 legal; and did an additional fifty constitute its illegality. He denied the law which recognised such a principle, or the page of the statute book that constituted a precise number a proof of illegality. The whole population of the country were supposed, and might, if there was accommodation, be assembled in the court of King's-bench. Did the number there make the assemblage illegal? He acknowledged his ignorance of any such principle; he believed it was not law, at least on this side of the water. If the assembly of the 16th of August was illegal, ministers were highly culpable for not dispersing others equally large or larger, subsequently assembled with the same banners and ceremonies. From the papers, it was clear that, on the morning of the 16th of August, no notion was entertained that the projected meeting was illegal. What, then, had altered its nature before noon? and where were the overt acts that warranted the attack upon the defenceless multitude? He was bound to take the report of the magistrates as the most correct; and he regretted to observe the light and trifling manner in which the important subject was treated by many of them. He gave the noble lord credit for being sincere when he said, that he believed the information he had obtained; but he entreated ministers not to be too credulous. He begged to ask what confidence ought to be placed in Mr. Norris and men like him, who, on the 17th of August went to the Exchange, and had it and all the shops closed, because he was informed that 50,000 radicals were on their march to the place. Were men to be relied upon who talk of danger which they fear, and who are in such a state of terror themselves, as scarcely to know whether they stand upon their heads or heals? The hon. member for Bramber had said last night, that the plan of the Manchester radicals was to remain on the ground until midnight, and then to fire the town; but what authority did he adduce for his statement? Did not the absolute ridiculousness of the plan give it a sufficient contradiction? Was this spirit, which was so much complained of, to be put down by heaping injustice on injustice? There were thousands and tens of thousands of individuals in the country, who suffered the most poignant distress, and, afflicted as they were it was really surprising that they had not been goaded on to acts of violence before this time. There were, he believed, many individuals who wished to take advantage of their distresses to inflame and irritate them; but if their efforts had any success, it was to be attributed to the conduct of his majesty's ministers. They were itinerant quacks, or field orators, who stimulated the passions of the people; but they would have been banished from society—they would not have been listened to—if they had not derived a spurious importance from the conduct of his majesty's ministers. The hon. member for Bramber had viewed, with dreadful alarm, the occurrences which had recently taken place, and wished the House to look on them with a similar feeling. But he would ask, could any just comparison be drawn between the state of England at the present moment, and that of France at the period of the revolution? In his mind, there could not. If the government of France, in that momentous hour, had conciliated, instead of oppressing and insulting, the people, in all probability the serious consequences which followed would not have been produced. If ever there was a question which called for mature and serious consideration before gentlemen came to a decision, it was undoubtedly the present. By agreeing to the amendment, of which he heartily approved, they would not pledge themselves to any line of conduct in future. They must be well aware that, from one end of the country to the other, an anxious desire to obtain justice, whoever the offenders might be, had been decidedly expressed. He begged to caution those members who imagined that a contrary spirit prevailed, and who were opposed to an inquiry into the circumstances which happened at Manchester, against being influenced by such a delusion. Let them look to the way in which counter-addresses had been got up

in different parts of the kingdom. In most instances, the parties who were anxious to have them signed had not appeared openly and boldly. They had not declared, in the face of day, what they meant to do. No; they felt that injustice had been perpetrated, and they knew that it demanded inquiry, although they took measures which must defeat that object. He would not decide whether it was or was not proper to institute an inquiry at the bar of that House; but if it was not fitting that such a proceeding should be adopted, they could, as they had done on other occasions, order prosecutions to be instituted before a proper tribunal.

Lord *Castlereagh* said, he wished to say a few words in explanation. He was sure the hon. member who had just spoken had misrepresented him, not intentionally, but in consequence of having misconceived what he had stated on the preceding evening. He wished to set the hon. member right, rather because his observations affected the interests of others, than from any feeling personal to himself. He had last night stated, and he had good authority for doing so, that the meeting was dispersed in a manner not originally contemplated by the magistrates. Their intention was, that the assembly should be dispersed in the ordinary legal manner, the riot act being read, and every necessary form gone through. It was, as he had stated last night, the conflict with the troops at the hustings, which produced that state of things not originally contemplated by the magistrates. The hon. member had inferred, what was not warranted by the facts, that the meeting was dispersed without the interposition of the magistrates. That was not the case. He thought, however, that when the troops were attacked, they had a right to repel force by force, even if there were no magistrate present. The hon. member had accused him of not having produced proof of every fact he had stated. This would not have been consonant with the course he conceived it right to adopt. He contended, that the House of Commons was not the place where such proof ought to be adduced, and he merely undertook to repel assertion by assertion, in order to clear the characters of a number of individuals from the unjust attacks that had been made on them—attacks that were not warranted by the circumstances. The hon. member had argued, that because he admitted the meeting to have been dispersed in a way not at first contemplated by the magistrates, he therefore conceded the point, that it was not dispersed in a legal manner. He had conceded no such point. He said, that the military, when assailed, were justified in repelling force by force; and he would now state, what he had forgotten to mention on the preceding night, that it was by the order of the magistrates that the meeting was dispersed. The facts were these:—A small force about forty of the Manchester yeomanry was appointed to accompany the peace-officer to the hustings. When they arrived there, a conflict took place between the people and the yeomanry. A magistrate who was in conversation with colonel l'Estrange and colonel Dalrymple, at a window which afforded a full view of the place, saw these forty yeomen, in the midst of 50,000 persons, assailed, and he might say, overpowered. He observed to the officers, "Don't you think those yeomen are placed in a most perilous situation?" They agreed with him that their situation was critical and dangerous, and, in consequence, an immediate order was given to support the yeomanry and disperse the assembly. The 15th dragoons and the Cheshire Cavalry advanced to the rescue of the Manchester yeomanry; and in so doing, acted distinctly under the authority of the magistrate, who, on a fair view of the case, felt himself bound to give the necessary order. The hon. member seemed to consider, that the documents now laid before the House contained the whole of the information on which government formed its judgment. What he had stated last night showed the contrary. Government proceeded in a considerable measure, on the statements of the two individuals who had been sent up to give necessary information, and who were enabled to state the facts. How was it possible that a magistrate, at 12 o'clock at night, after what had occurred in the course of the day, and while the town was still in a riotous and tumultuous state, could detail, in a hasty letter, all the circumstances connected with the case, and which operated in his mind in forming a judgment of what ought to be done? He entreated the House not to give way to the idea that the case was to rest on the documents now laid before them. He had always stated that it was not, and he further said, that the transaction was not to receive judgment in that House. Go-

vernment conceived, from the facts laid before them, that the conduct pursued at Manchester was right; but that opinion did not conclude the conduct of the magistrates, which was still open to investigation.

Earl *Temple* apologized to the House for presuming to occupy any portion of its valuable time; but, under the peculiar circumstances in which the country was placed, he conceived it to be the duty of every member of parliament to state, and to state openly, his reason for the vote he meant to give. He had heard the speeches of different gentlemen who had addressed the House, but none of them had given him so much surprise as that delivered by the right hon. gentleman on his right hand. He had absolutely treated the situation of the country with levity. Were they, then, to look lightly upon those who went about the country preaching doctrines destructive of the constitution? Were not persons of that class to be considered dangerous to the state? He could not look upon the machinations of persons of that description as matters of indifference. The occasion was one which demanded the prompt aid and assistance of every member of that House to put down the spirit of insubordination which prevailed to an alarming extent; and unless the government of the country were firmly supported at this crisis, neither he nor any other man could foresee or answer for the consequences that might follow.

Mr. *Bennet* said, that having procured much information on the subject now under discussion, he was anxious to set the hon. member for Dover (Mr. B. Wilbraham) right on several points, which he had stated incorrectly on the preceding evening. Although he would not go the length of declaring that all the statements which had been presented to the public, with respect to the sufferers at Manchester, were true in every part, yet this he would say, that a case was substantially made out, which demanded inquiry; that case was supported by the evidence given on oath at the coroner's inquest, the proceedings at which, taken in short-hand he had read; it appeared from that evidence that great cruelty had been exercised. The hon. member for Dover began by stating, what he thought, on cooler judgment, he would reject, namely, that the persons who assembled at the meeting had no other object but that of plunder: such was the general and sweeping declaration of the hon. member. He (Mr. Bennet) would not assert that alarm might not be created by the meetings of large bodies of the people; but this he would say, that nothing could be more degrading to the character of the country, or more injurious to individuals who were employed in administering justice in those parts of the kingdom where these meetings were held, than to declare that assemblies of persons, consisting of he knew not how many thousands, were formed merely for purposes of plunder and devastation. That, when great numbers of persons met together, there might be some bad and mischievous individuals amongst them, he meant not to deny; but he would confidently maintain, that the great majority of them assembled for the purpose of stating their political opinion. They held opinions which he certainly detested—opinions that were injurious to the best interests of the country; but he believed they adhered to them from honest and conscientious feelings; and he felt that he had no more right to put them down by force, than he had to persecute a man who held religious opinions of a different nature from those which he acknowledged. He believed those people met together for the purpose of taking the best means of carrying into effect those political sentiments which they supposed to be correct. The hon. member, who had thus accused between 30,000 and 40,000 persons, proceeded to give an account of the meeting. He stated, that the advance of the cavalry from the front of the house to the hustings, was attended by no attack on any person. This was not correct. It was proved by one of the witnesses who appeared for the magistrates, that not only great personal alarm was excited, but that violence was committed. James Hall, who gave his evidence before the coroner, who had been placed in a situation where he could watch the meeting, for he was but fifty yards from it, distinctly stated that he saw Meagher, the trumpeter, knock down a man, with, as he thought, the flat of his sword. That was before the cavalry arrived at the hustings. But this was not all. It was stated in evidence that three individuals were cut down by the yeomanry as they advanced. A woman with a child in her arms was also wounded; and, although the grand jury had thrown out the bills preferred on her behalf, still

he had a right to state it as a substantial matter that called for inquiry; when persons filling the situation of magistrates, and individuals who held the rank of ministers, offered statements to the House that were contradicted on oath, no doubt could be entertained that there was substantial reason for inquiry and investigation. If ever there was a case that demanded a severe scrutiny, it was that which now occupied the attention of the country, connected as it was with the loss of so many lives. The hon. member had stated, that there were but twenty-six persons hurt, who were taken to the infirmary. He believed that not less than fifty eight persons were admitted, in consequence of wounds and bruises. It was a fact, that eight persons had lost their lives, and he was sure he spoke within compass when he said, that between 3 and 400 individuals were rode over, wounded by sabres, or otherwise maimed. A committee had been formed at Manchester, to ascertain the number of the sufferers. The list prepared by them had not yet been sent to London, but it would be transmitted in the course of a few days, and then it would be seen whether his statement, or that of the hon. member who said that very few accidents had occurred, was the correct one. It would be found that a great deal of unnecessary cruelty had been resorted to. The people who attempted to escape by a passage not more than forty feet wide, were driven together in one mass, to the imminent danger of their lives. This was the only real outlet; the others were difficult of egress, in consequence of the situation of different houses. But one effect could be produced by a body of cavalry pursuing a great concourse of people into such a narrow pass; and it was in evidence that the poor creatures were forced down, and were seen lying in heaps, one on the top of the other, black in the face, and with all the appearance of suffocation. So great was the pressure, that the railings were broken down, and numbers of the people were dragged, wounded, and bloody, through the panels of doors, which had been forced in by their efforts. Two individuals were, on oath, accused of having cut at every person who passed. This was all stated before the coroner's jury, and no attempt was made to controvert it. Respectable persons living within eighteen or twenty yards of the hustings, were unjustifiably assailed. Gentlemen turned round on those who condemned such proceedings, and, because the facts he now adduced were not stated in the course of the debate; because individuals had not an opportunity of critically reading the evidence, they thought proper to taunt them, affected to believe that not the shadow of a case could be made out, and declared the whole of the statement that had been laid before the public to be false. The hon. member had stated, that a yeoman of the name of Hulme, had been struck from his horse by the blow of a stone, before the cavalry made any attack. The hon. member's information was incorrect. It was proved, on oath, that Mr. Holme was one of the persons who was actively employed in dispersing the meeting, and that he rode into the yard of the Quakers meeting house, cutting and hacking the people, whose blood now lay on the stones and rails. It was in a street near the yard that he received his wound, long after the military had advanced, and Hunt and Moorhouse were in custody.—He would not now go into a detail of the evidence, which at a future period must of necessity be fully considered. He agreed in the statement of those who held that a meeting, by reason of the language and conduct of the person who attended it, might become illegal; but he was not prepared to say that there was any part of the proceedings at Manchester, that stamped the meeting there with an illegal character. It had been observed, that the meeting of large bodies of men was attended with inconvenience, if not danger. There was no person but would allow that the assemblies of great numbers of people, in a manufacturing district was exceedingly inconvenient; but inconvenience did not constitute criminality. It was also observed, that those people came to the ground with flags and banners. He admitted that they did, and that some of those banners had very improper inscriptions on them. But such a parade never could justify the severe measures that had been adopted. Again they were told that the people advanced to the place of meeting in military array? But how was it possible for 5,000, or 6,000 persons to move, except in an irregular and tumultuous manner, without they were put into something like military array? He did not, therefore, think, that the mere circumstance of their being attended by music, or their marching eight or ten a-breast, with their arms linked together,

was a sufficient reason for calling the meeting at Manchester an illegal assembly. The noble lord had told them, that the magistrates did not originally intend to disperse the meeting; but were compelled to do so, when it assumed a character similar to that stated by certain individuals who had given their information, all of whom, except Mr. Owen were concealed. Now, the meeting began to assemble at half-past eleven o'clock, and continued till one. Had not, then, the magistrates, long before one o'clock, an opportunity of satisfying themselves whether the meeting was legal or illegal? If they conceived it to be the latter, why did they not stop the people as they were advancing to it? Or why not order the Riot act to be read, and prevent the meeting altogether? There was no necessity to apprehend Hunt at the meeting. He might have been arrested on the charge now preferred against him, without any difficulty. In his opinion, if the magistrates conceived that such a meeting was illegal from the first, they had acted most indiscreetly in not preventing it. It was now distinctly known, that the Riot act was never read till the charge of the soldiers took place. Three persons were wounded by the advance of the cavalry before it was read. Mr. Hay's statement put it beyond a doubt that it was not read till after the charge. One of the magistrates, a clergyman, Mr. Ethelstone declared that he read it; but he had not said, when or where—nor had he ventured to swear to the fact. He did not mean to say that the Riot act was not read at all; but he believed that the reading did not take place until after the yeomanry had begun their attack on the people. The noble lord had spoken of the attack on the military, and the hon. member for Dover also stated, that such an attack was made. He (Mr. Bennet) did not believe it. Nadin, in his evidence, deposed, that he only knew of one stone being flung. Another witness, Mr. Entwisle, spoke of stones, brick-bats, and sticks being made use of; but he was not borne out by the testimony of any other person, and he was contradicted by the testimony of most respectable merchants, who, out of curiosity, proceeded to the field where the meeting took place. He believed the real facts of the case were these—that after the persons on the hustings had been seized, the multitude was attacked, and the word was given by some person or other whom he knew not, "have at their flags." The constables then seized the flags, and the yeomanry made an irruption into the crowd, and committed the evil which was now so universally deplored. That proceeding lamentable as it undoubtedly was, originated, he had no doubt, from a loss of temper on their parts, and an ignorance of the kind of enemy with whom they had to contend. This view of the subject received great illustration from a statement made by Nadin, in the evidence which he gave on the inquest at Oldham: he had there stated, that it never was in contemplation to allow the yeomanry to advance without the support of the dragoons; that no order was ever issued by their commandant, captain Birley, enjoining them to march; that owing to some impetuosity, which he pretended not to explain, they made a simultaneous rush forward; that immediately afterwards, they lost their head, and became ungovernable; and that they became so from that want of command over them, which regular troops never experienced.—The hon. member then observed, that after having made these remarks on this subject, he felt it necessary to say a few words more upon another, which had been mentioned by the right hon. gentleman opposite, and his hon. friend who had preceded him—he meant the seditious and blasphemous publications which had been so much complained of. There was not a man in that House who felt greater abhorrence than he did of such publications; still he begged leave to say, that he had, while in Lancashire, been informed, that irreligious doctrines were not prevalent among the lower orders of the community in that county; and that this information had been derived from many individuals who had taken a philanthropic interest in the union schools established there, and who had particularly inquired into the nature of the religious works circulated among them. It was difficult, he allowed, to disprove the existence of irreligious principles; but if he might be allowed to judge of what the principles of the people were from the primers which were used by them in the education of their children, and which were now in his possession, he would say, that there were no books in the English language better calculated than they were to instruct youth in their moral and religious duties. There was no union school in which the lessons did not commence

with a hymn, a religious hymn, in which the gospel was not regularly read, and in which a sermon was not regularly preached. Perhaps it would be interesting to the House to know something of the origin of these union schools. Most of them would be aware of the difficulty which had once existed in getting the children of the poor to the Sunday-schools; that difficulty had, however, soon abated, and the poor were made sensible of the benefits which accrued to them from education. Out of that conviction the union schools had arisen; they owed not their origin to the charitable endowments of the rich, but to the con-joint exertions and subscriptions of the poor; and if the right hon. gentleman would either communicate to him in private, or would favour him in public with the name of the school in which this blasphemous primer was said to be taught, he would undertake to show him that his information was incorrect, on the testimony of the patrons and inspectors of the school, who, he had no doubt, would be able to satisfy both the House and the country that no such work had ever been taught, either by their direction or with their knowledge. To the poor, indeed, religion was their best consolation; as it taught them that there was another world beyond the present, in which they might expect to enjoy those benefits and blessings which were denied them here. He could show, that in no part of England was this consolation more strongly enjoyed than in the county palatine of Lancaster; and that in no part of it was a religious feeling either more general or more warm than in the manufacturing districts. He did not know whether what he had now stated would carry conviction to the mind of the right hon. gentleman; but he would undertake to convince him in private, if he had not already convinced him on the subject; and therefore he trusted the House would give him credit for the assertion when he declared, that whatever mischief certain designing men might have intended to propagate by the dissemination of irreligious and blasphemous publications, the inhabitants of no county stood more clear than the inhabitants of Lancashire on the question of irreligion. It was requisite to state this fact thus publicly, because nothing had inflicted so severe a wound upon the minds of the persons of whom he was then speaking, as the slanders which had been uttered on this subject. Indeed, the public press had long teemed with the foulest calumnies on this head; and, what was still more worthy of reprobation, the authors of those calumnies knew them to be destitute of all foundation, even at the very moment that they were committing them to paper.—There was likewise another subject on which he was desirous of speaking, shortly. He felt it his duty to state, that it was his decided opinion that it was impossible to govern England in 1819 by the same means as it had been governed in 1719; neither was it any reason that the county should suffer bad government now, because our ancestors had at that time, or formerly, suffered a worse. There was a degree of intellect now in the country, which rendered it necessary that the House should look into the state of the representation, and should examine whether it was not expedient, from the more general diffusion of wealth and property, to give to wealth and property more weight in the representative system. From a contrast which had lately fallen under his view he had learned, that the county of Lancaster, with a population amounting to little short of a million inhabitants, sent fewer members to parliament than those which were returned by five great families in Cornwall. This system could not be what it ought to be; and some alteration in it was absolutely necessary, if the government wished either to retain or recover the affections of the people. That alteration, however, ought not to be annual parliaments or universal suffrage; as such innovations would lead to anarchy one day, and to military despotism the next. Still, though such was his opinion, he felt himself bound to recommend to the House, if it wished to avoid civil dissention, if it wished to avoid that greatest of all evils, the shedding of English blood by English hands, to examine fairly and freely into the state of the representation, and to show the people that, though it would oppose all such innovations as would tend to subvert the constitution, it was quite alive to that greatest of all great questions—the propriety of giving to the people a better, a greater, and a more general control than they now possessed over parliament, by extending, to a certain degree, the power of suffrage [Hear!]—He could not conclude the remarks which he had to offer to their notice, without earnestly imploring them to pause before they de-

cided. No man could look at the present state of the country without alarm, and therefore it became doubly necessary that they should adhere to safe counsels. Nothing that looked like an empty display of power, nothing that resembled a wanton abuse of patronage, ought to be exhibited: above all should be avoided such measures as the dismissal of earl Fitzwilliam from the lieutenancy of the West Riding of the county of York; because that situation was not bestowed on that illustrious nobleman as a mere honour or civic decoration, but as a pledge that, though he was employed by the Crown, he was still to remain the servant, the faithful servant of the people. Indeed, by adding great virtues to his great possessions, he was also calculated, in more ways than one, to be their natural leader.—The hon. member then went on to say, that he cordially supported the amendment which had been proposed, though he hardly understood how to tack it on to the address, since he disputed the facts, protested against the conclusions, and abhorred the remedies which were proposed in that document. Indeed, he did not understand how he could support any thing which he detested so cordially. What he wished to obtain at present was, union among all ranks and classes of the people; and therefore he could not support the address, as he considered it more calculated than any thing else which could be devised to spread disunion and contention among them [Hear, hear!].

Mr. *Bootle Wilbraham* said, he would not again have intruded on the notice of the House, had it not been for certain statements which had just fallen from the hon. gentleman who had preceded him; and expressed a hope that the House would pardon him, if he transgressed a little beyond the limits of a mere explanation. He allowed that the hon. gentleman had one advantage over him: he (Mr. B. Wilbraham) had not been at Manchester at all this year, whereas the hon. gentleman had been there for some weeks.

Mr. *Bennet*.—I was not there for twenty-four hours.

Mr. *Bootle Wilbraham*.—He knew, however, that the solicitor who had conducted the prosecution at Oldham had been frequently with the hon. member, and therefore that he was well acquainted with the evidence which had been given there. The hon. gentleman had applied to him regarding some facts which were stated to have occurred before the grand jury: those facts he did not feel himself at liberty to communicate, from having been upon it. He would, however, read to them one instance of falsehood, out of many, which had been communicated to him by a noble friend. The House would recollect the indictment which had been presented against Edward Tebbutt, by Elizabeth Farren, who had been hurt in consequence of having fallen into a cellar. After Pearson's fishing advertisement for indictments, this woman had said she was cut by a man in large whiskers; whereas, Tebbutt never had large whiskers in the course of his life.

Mr. *Egerton* said, that he should not be doing his duty to the magistrates of the county which he had the honour to represent, if he did not declare, that they were as anxious as the House could be to have an inquiry instituted into their conduct; at the same time he thought it right to say, that this was not the proper court in which to institute such an inquiry. If their conduct was investigated in the proper court, and evidence regularly heard regarding it, he had no doubt but that they would come out of such investigation with the purest and most unsullied characters. The worthy member then detailed the proceedings of the magistracy of the two counties of Lancaster and Chester, previous to the 16th of August, as also the military array and tumultuous march of the reformers on that day; and argued, that if the magistrates had not dispersed them in the manner they did, they would have incurred a most dreadful responsibility. He also urged, that all the injuries sustained on that day ought not to be attributed to the magistracy, because, whenever a panic was created among a large multitude, the rush to escape was always attended by dangerous consequences.

Sir *W. De Crespigny* said, that the best way in which he could characterise the dispersion of the meeting at Manchester by the magistrates and yeomanry, was by calling it an illegal attack upon an unarmed multitude [Coughing.] He trusted that the House, upon so momentous a question as the present, would support him, whilst he mentioned certain facts, which he pledged himself to be able to prove at the bar of the House. A venerable gentleman, a clergyman, had gone to the meeting out of curiosity and

a desire to see Hunt. He had waded through the crowd till he arrived at the hustings, and just as he got there, Hunt ascended them. Having satisfied his curiosity, he was departing, when he was induced to turn round, by hearing a body of cavalry advancing with great velocity. The yeomanry halted; a short address was made to them; and then a voice called on them to advance. Shortly afterwards he saw Hunt taken, the flags struck down, and the yeomanry turning their havoc upon their own countrymen and townsmen. He then endeavoured to make his escape as fast as his feeble limbs could carry him, by the street opposite to the hustings. When he got there, he found the soldiers posted across the street; he asked them to let him pass; they refused, and forced him back to the field from which he had just escaped; he went back in the expectation that he should immediately be cut down. When he got there, he recollected that he had a friend who lived on the spot; to his house he directed his steps, and was fortunately seen by his friend whilst on the road. The door was opened to receive him, when a yeoman pursued him so eagerly, that he forced his horse up to the steps. From all this, he was of opinion, that inquiry was necessary; and he could not think that any gentleman in that House could bring himself to vote against the amendment. Was there one man in that House, was there one man without that House, who did not demand an investigation of matters so deeply affecting the dearest interests of the nation? He would conclude by seconding the amendment, which was essential to the defence of the rights of the Crown, of the people, and of the constitution.

Lord *Nugent* observed, that his majesty's ministers had asserted that the meeting on the 16th of August was illegal. But, not satisfied with asserting the illegality of the meeting, they had asserted that the illegality had been admitted by his hon. and learned friend who had spoken last night. He most unequivocally denied this assertion. No such admission had been made. He allowed that if the noble lord opposite established his statements, then the meeting was illegal; but the proof of those statements depended upon the reresult of an inquiry. If on inquiry the noble lord's statements should be made out, all would be satisfied. But inquiry was indispensable for this purpose. The noble lord's evidence was not admissible on the subject. It was not admissible in the first place, because it was not evidence in chief, but the remote testimony of consequential circumstances. It was not admissible in the second place, because the noble lord had made himself a party to the transaction in question, by giving his approbation, when that approbation could not be the result of investigation and inquiry. Stress had been laid on the grand jury of Lancaster having thrown out the bills of indictment against the magistrates, as if the grand jury had been trying the legality or illegality of the meeting. But no such thing had come under the consideration of the grand jury. They were called upon to inquire only into the grounds for putting certain individuals on their trial for a capital offence, he believed, under lord Ellenborough's act. Could the noble lord suppose that the grand jury could, on such an occasion, have gone into all the circumstances of the meeting? But, granting that they had, and that they were of opinion that the meeting had been illegal, he begged to be allowed to say, that the unanimous declaration of another jury, upon evidence on both sides of the question before them—he meant the coroner's jury—had pronounced the meeting to have been legal. The opinion of the latter jury was at least equal to that of the former on this question, admitting the former to have declared the meeting illegal. But supposing it demonstrable that the meeting had not been legal, even then, granting that, and granting that the Riot act had been read, audibly and sensibly to the audience, and granting further that one hour had elapsed after it was so read before the dispersion, still not one step was taken towards exculpating ministers for their hasty approval of those proceedings. The case before them was of the greatest importance. A meeting had been put down by the sword—a meeting assembled to discuss objects which every enlightened and honest man must endeavour to prevent, but legally assembled to discuss those objects; such a meeting was dispersed by the sword. He would not state it as a case of rumour of bloodshed, of the ignorant, the unwary, and the helpless—men, women, and children mixed in indiscriminate carnage. It was not necessary to state it so as to excite feelings perhaps already too prevalent. But it was a case which called imperiously for

the explanation of one thing—why military force had been at all employed. And if military force was to be employed, why the Manchester yeomanry, the most improper of any, were employed? Useful as yeomanry corps might be, attached as he was to such means of defence, he must say that the yeomanry were the most improper that could be employed on this occasion. Many of them were under the influence and direction of prejudiced men; many were themselves masters, offended and irritated by their workmen; all had feelings of affection or hatred to gratify. Here he would state a fact which he had from the most respectable authority—an authority which he pledged himself to produce at the bar of that House, if inquiry was granted; upon that authority he stated that rations of wine and brandy had been issued to these men before they were called upon to perform this business. Such, indeed, had been the treatment received by the constables from the soldiery, that several of them assembled next day and broke their staves, declaring that they would no longer act under the magistrates. He did not mean to say that they, in doing so, were right, but he mentioned the circumstance to show the feelings entertained of the conduct of the magistrates. He pledged himself to produce to the House his authority for this fact also, if an opportunity should be given for doing so. Upon the fact, then, that many lives were lost by the sword, his Royal Highness was advised to give thanks to those whose swords those lives had been taken away. The House had been told that these circumstances were not a fit matter of inquiry by parliament—that the courts of law were open to the sufferers; but let the House recollect the quarter from which this statement came. Who was the great authority who now pointed to this resource? Who was this *ultima ratio juris*? Why, it was the very authority who two years ago had introduced indemnity bills for the purpose of preventing all legal redress! Let it be also recollected that when actions were brought against lord Sidmouth and other magistrates, this high authority told them that juries were not the fit tribunal for such questions. Then they were to come to parliament with their complaints. The language of ministers then was—"these are not matters to be decided in a court of law, that is not the proper tribunal, come to parliament, there it is that you are to look for redress." But what was their language now? "You have no right to discuss these matters in parliament, the courts of law are the proper tribunals to which to appeal!!" Thus, as it suited their convenience, ministers drew directly opposite conclusions from the same premises. But was this to be tolerated? Was there to be one law for the magistrates and another for the people? What did the address recommend? Was the liberty of the press to be limited? Were bills to be introduced to give magistrates indemnity for the past and security for the future? Was the Habeas Corpus Act again to be suspended? He sincerely hoped that no attempt would be made to resort to any of those measures. Again, it had been urged that there was a spirit of blasphemy and irreligion widely disseminated through the country. Was this a fact? That there was a feeling of dissatisfaction in the country he admitted; but from what did it arise? Let them not mistake causes for effects. This spirit was created by misgovernment. The people of this country were naturally of a religious, peaceable, and loyal disposition, and generally desirous to obey the laws. This had ever been their character. What was it that had changed their character? He was sorry to hear the hon. member for Bramber, on a former night, support with that eloquence which was so peculiar to him, the opinion that blasphemy and irreligion so generally prevailed. The hon. member's religious horror seemed to have overcome the conviction of fact and evidence. But he hoped that, upon more deliberate consideration, the hon. member would suffer himself to be convinced of the propriety and justice of inquiring into the circumstances of the transactions in question. Let him look at the trial of that poor wretch who had stood charged with publishing blasphemy; let him look at the effect of blasphemies on the crowd assembled in the court; let him recollect the thrill of horror which was excited among them; let him recollect the instant verdict of guilty found against him, while no sympathy or regret was expressed by the spectators. Let the hon. member look at these things, and he would find in them no proof of the prevalence of sedition and blasphemy. He admitted that in a few of the manufacturing districts there were some feelings of this kind entertained; he also knew that there were

persons who for certain purposes pretended to do honour to the rotten bones of the infamous Paine. But how were these opinions to be met? Alas! not by chains, and dungeons, and bayonets. The remedy was, employment for the laborious poor. Let ministers take measures to revive our manufactures; let them open commercial treaties with South America in the one hemisphere, or oblige our faithful ally on the other to open her ports to our trade. He congratulated the House on having assembled so early; but in order to be of use, they must meet the difficulties fairly which pressed upon them. They must look the situation of the country in the face, and induce ministers to do the same. Let ministers look fairly at the situation which they had themselves occasioned. Their measures had given rise to principles, and called forth characters, previously unknown in this country. Let them now look at those principles and characters which their misgovernment had brought into action. Let them look at the poor meeting to petition for objects which, if granted, would soon present the image of ruin to the country and to themselves. But they must also look to the causes of these evils. Let them find confidence to say, and let them find an audience to believe, that these things were owing to the sedition and turbulence of such men as lord Fitzwilliam. They had been told that this subject did not belong to that House. It did, however, most evidently belong to the very question now before them; for that noble earl had been dismissed for petitioning for the very same inquiry, the expediency of which was now under discussion. To say one word upon the character of that illustrious person was indeed unnecessary. But when they saw a nobleman dismissed whose whole life formed the basis of his popularity, and dismissed for an act deserving thanks from his sovereign and his country, it was impossible not to view the occurrence as an indication of the character of the transactions at Manchester, and of the intentions of ministers. When ministers attempted to degrade lord Fitzwilliam for expressing old English jealousy of military attacks on the people, they degraded only themselves. Let the House consider the purpose for which they met. If they separated without inquiry, they might give rise to violence and bloodshed, which every member of that House must deprecate. Let it not go forth to the public, that a number of persons were killed, that his majesty's ministers issued thanks to those who had killed them, and came to that House and desired the House to make itself a party to screening them; and that the House consented to suppress inquiry for that purpose.

Mr. *Warren* remarked, that the hon. members on the other side had set out by admitting the illegality of the meeting on the 16th of August, but having slept upon the matter, they now came down with a retraction of that admission. Notwithstanding this, however, he had no doubt but he should satisfy the House of the illegality of that meeting. Indeed, if any doubt were entertained on that point, the speech of the right hon. and learned member was calculated to remove it, notwithstanding that that speech was spoken of by another hon. and learned gentleman as special pleading. The hon. gentleman who had opened the debate to-night said, Where is the law? Where is the statute by which a meeting of the description of the 16th is declared illegal?—There was certainly no statute, if that was any satisfaction to the hon. gentleman; but his right hon. and learned friend had argued, that the meeting was illegal on the principles of the common law. But he wished to call to the recollection of the hon. gentleman, that letter which was written by Mr. Hunt, the head of the radicals—that itinerant orator, that mountebank, as the right hon. gentleman opposite had properly called him, before the meeting of the 16th. At Coventry, in his way to Lancashire, he wrote a letter, in which he asserted that it was necessary to make a demonstration of physical force. If the hon. gentleman knew that on the 9th it was intended to add a representative to the House from a borough, which now sent none—was that legal? Even the persons intending to assemble, themselves shrunk from that attempt; and on the 16th, the professed object for which the meeting was called, was conceived in different terms. But would any man say, that the subject discussed on the 16th was different from that proposed to be taken on the 9th? Was any man blind enough to say, that the same object which was proposed to be discussed on the 9th, was not in reality discussed on the 16th? With respect to the meeting on the 16th, it could not be denied but that on that day several thousand

persons were assembled—some said 70,000 in all—in Manchester, with Mr. Hunt at the head of them, and that they marched in a sort of military array—that some of the persons who assembled at that meeting had been trained before. Let them consider next what the banners were. One of them had a female figure on it with a bloody dagger in her hand—that was necessarily connected with an alteration of the law. Another had on it an inscription of "Equal Representation or Death." Now he would ask any hon. member, if Mr. Hunt had said to the meeting, we will endeavour by every means in our power to obtain an equal representation, even if we should be put to death in making the attempt, would not that have been a seditious speech? But what was the difference between a sentiment of this kind in the mouth of a speaker or on a banner? What was the difference between words uttered in a speech at a meeting, and words emblemed on the banner under which the people met? The meeting was clearly an illegal meeting. Then were the magistrates justified in the course which they pursued? On the statement of circumstances calculated to excite alarm made to them on oath, they issued a warrant to arrest Mr. Hunt. So far, at least, the magistrates had conducted themselves with prudence and propriety. The next question was, as the meeting was illegal, in what manner it was to be dispersed? If the meeting was illegal, as he conceived it was, it became the duty of the magistrates to disperse it. The magistrates had two different steps to take—one was, to arrest Mr. Hunt; another, to disperse the meeting. Then came the question, whether the manner of the dispersion was such as to be justified by the circumstances which then occurred, or not? And here he contended, that the House was not the proper place for an inquiry into this part of the subject, as the courts of law were open. This was a matter to be determined by judges and juries, and not to be inquired into at the bar of the House. An hon. and learned gentleman had said, that the magistrates might have acted in such a way as to call for an inquiry into their conduct at the bar of the House, though the wrong done by them might not be such as could be taken cognizance of by courts of law. But would any member say, that any thing could be an offence here which was not an offence at common law? If inquiry was entered on, and it should appear that criminality attached to the magistrates, what would be the result? The House must order them to be prosecuted. And thus, after all the evidence taken at the bar of the House, they must be sent back to the tribunal, out of the hands of which the inquiry was taken. The decision of the grand jury on the bills sent up to them was, so far, a proof that the magistrates were innocent. It had been asked, how it happened that the attorney-general had been able to have a variety of bills found against a variety of persons, while Mr. Hunt was not able to succeed in the same object? It had been suggested, that it was because this individual had not property sufficient to enable him to prosecute, now, the very attempt already made by Mr. Hunt showed that that there was money somewhere to enable him to carry on the prosecution if necessary. One attorney, or more had been employed; so that it would not appear that there was any want of money to carry proceedings on, if they had been thought likely to succeed. The inference was, as no steps had been taken, that the magistrates were innocent. This was a prima facie case in favour of the magistrates. Was it to be laid down as a rule, that whenever, by any accident, a loss of life or limb took place, the House were called on to interfere? A right hon. gentleman, who spoke very early in the debate, had said, that the House was in such a situation from the state of the representation, that it had lost the confidence of the country, and that very little regard was paid to its decisions; and yet, in the very same breath in which he said the country reposed no confidence in the House, did he propose to bring forward this inquiry. Such was the consistency of the right hon. gentleman.

Mr. *Philips* said, that if he comprehended correctly the purport of the speech of the hon. and learned gentleman who had just sat down, that hon. and learned gentleman had certainly misunderstood his hon. friend. It did not follow, from the hon. and learned gentleman's own showing even, that the conduct of the magistrates of Manchester was justifiable; because, admitting that the meeting of the 16th of August was an illegal meeting, it did not necessarily result that it was a riotous one; for although in his own view of the law, a riotous meeting was therefore an

illegal one, yet it was not thence to be inferred, as matter of course, that if illegal, it must be riotous. Admitting even that the meeting was illegal, did the magistrates exercise a sound discretion in proceeding as they did with that meeting; he felt a great delicacy in delivering any opinion on the conduct of the magistrates of Manchester, because he was aware, that the conduct of the people at Manchester and its vicinity, some time previous to the meeting of the 16th was such as to excite a very general, and, as he thought, a very well-founded alarm. The moment he was informed of the drillings, and other transactions carrying on in Lancashire, he was convinced that they were of a character incompatible with good order and tranquillity; and he had no hesitation in now declaring his belief, that never was there a time at which it was more important to the real welfare of the country, that the civil authorities should be protected, supported, and upheld; and that under the difficult circumstances in which they were placed, the magistrates should proceed in such a manner as to command the approbation of all respectable men. He had up to this time cautiously avoided doing or saying any thing respecting the proceedings of the 16th, least they might be considered to pledge him to do or say any thing on the subject; for he conceived that he had an important duty to discharge in that House, and that he ought not to do any thing which might have a tendency to bias him on the subject, or which might operate as an obstacle in the way of his obtaining from individuals a communication of such facts as they might be able to give him. In comparing the information which he had received upon the subject—with the papers before the House—he did not mean to state the thing more positively—but there did appear to him to be such differences as authorized inquiry. He had his views of the facts; but without stating what they were, he might be allowed to observe, that it appeared to him, the noble lord who had spoken in an early part of the evening must have been very much misinformed. In what the noble lord had said he seemed to have detracted very much from the value of the thanks which had been given to the magistrates. Now, he found it stated on the one hand, that the warrants could not be executed without the assistance of the military power; and on the other, that an avenue was preserved from the House where the magistrates assembled, up to, or very nearly up to, the hustings upon which the parties were stationed. This appeared from Mr. Hay's letter. It had never been clearly explained what was the motive upon which the magistrates had acted in that case. It would have been surely advisable, before the military aid was called in, to have tried whether, by means of this avenue, the warrants, as had been stated to be the fact, could not have been executed by the civil power alone. It had never been asserted, that in the first instance an attempt was made to execute the warrants, without the military, and that such attempt failed. It had been asserted, that the persons who were near the hustings were locked arm in arm, and that it was on that account impossible to approach the hustings. On the other hand it had been said, that the persons in question were locked arm in arm to preserve a space open to the hustings. But whatever was the fact, it would at least have been adviseable to see whether the warrant could not be executed by the civil power alone, before calling in the military. Another assertion which had been made was, that the yeomanry, in their attempt to seize Mr. Hunt, were assaulted and resisted. It was asserted on the other side, that no resistance was made by any part of the meeting, at least until after the advance of the yeomanry to the hustings. Persons who went there merely to make their own observations, not one of whom approved of the meeting, but even disapproved of it as much as he himself did, and were friendly to ministers, did assure him that not a single stone was thrown in the advance of the yeomanry to the hustings. This was a fact of infinite importance. What, he would ask, was to have prevented the civil power, when there was no opposition to the advance of the yeomanry to the hustings? The noble lord had said, that the magistrates read the proclamation in the Riot act three times over, in order that the persons on the ground might be aware that the meeting was illegal. It was really most unfortunate, however, that the poor people assembled at the meeting were not at all aware of any such proclamation having been made. One poor man who went there for the protection of his own property which happened to be situated in a place immediately adjoining the house in

which the magistrates were, had told him that he was on the ground from eleven o'clock till the meeting was over, and yet he had never heard the Riot act read—that no one near him had ever heard it read—and he had never seen any one who heard it read. The noble lord had said the magistrates had no intention to disperse the meeting in the manner it was dispersed. Was it not, then, most unfortunate, if the Riot act was read to give notice that the meeting was illegal, and that it would be dispersed unless the people retired quietly from the ground without delay, that the notice was given in such a manner as to prevent the possibility of its being heard? Mr. Hay's letter made it extremely doubtful when the Riot act was read, whether it was read before the advance of the military, or during that advance, or after it. It contained no correct information as to the time when the Riot act was actually read. He really could apply no particular meaning to the letter—it was impossible for him to judge, either what time the Riot act was read, or what time the resistance on the part of the people began. On this subject, therefore, it was impossible for him to form a judgment without farther facts—and he therefore conceived that an inquiry into the case became necessary. It did appear to him that an inquiry by the House of Commons was the only manner in which the popular irritation which now existed could be allayed; or justice done in the matter. The situation in which the magistrates had been placed was certainly extremely arduous, and he should be extremely rejoiced to find from the result of such an inquiry, that they had exercised that sound discretion which every one would wish they might prove to have done. He considered that the House would not perform the duty they owed to themselves and to the country, if they did not direct such an investigation to be instituted; and he called upon them to remember what had been said upon that point by a well-known, able, and luminous writer, the power of whose oratory had often been felt within those walls: "A vigilant and jealous eye over executory and judicial magistracy; an anxious care of public money, an openness approaching towards facility to public complaint: these seem to be the true, characteristics of a House of Commons. But an addressing House of Commons and a petitioning nation; A House of Commons full of confidence, when the nation is plunged in despair ..... who, in all disputes between the people and administration, presume against the people; who punish their disorders, but refuse even to inquire into the provocations to them—this is an unnatural, a monstrous state of things in such a constitution." He really could see no danger from an inquiry. At all events an inquiry could not throw the public mind into a more alarming state than that in which it was. The working people had been taught to believe that their condition would be benefitted by that species of reform which they supported, and they were, therefore, disposed to do all they could to promote it. They were zealous, he granted, in furthering the object they had in view. There were indeed, some who might endeavour to increase the exciting discontent, for the purpose of pushing the poor people on to objects which they did not contemplate; but though there might be individuals who had such mischievous intentions, he could not believe that the many thousands who advocated parliamentary reform, were not sincere in their objects. In the manufacturing districts, a great and most lamentable change had taken place. The people, from receiving high wages had come to receive low wages. If their condition was the same as it formerly was, the House would have heard nothing of this discontent. But they must not deceive themselves—the real difficulty they had to contend with was the severity of taxation, operating on all classes, but most on the lower classes. Low as wages were in England, they were still lower on the continent; but then on the continent provisions were cheaper. This was the difficulty. But what was the remedy? It was not easy, he confessed, to find one. But at all events every retrenchment which was practicable ought to be made. Even when the retrenchment was comparatively of a trifling amount, yet for the sake of principle, it ought to be made. But he was sorry to say, that even the most trifling savings, were always opposed, however frivolous the grounds on which such opposition was made. Nothing tended more to spread discontent among the people than this disposition on the part of government. He did really believe, that in the manufacturing districts it was almost universally supposed, that nothing but plunder and the grossest pe-

culation were going forward. This was a gross infatuation, he was ready to allow, but still it was believed; and he thought that the House of Commons were called upon to show by their conduct that they were entitled to the confidence of the country. The House of Commons, by their conduct on one important subject, might regain that confidence, he meant, by agreeing to that reform which was now so generally desired. He knew he was delivering a very unpopular doctrine. But if it was not popular in the House, it was very popular out of it, not merely with the lower classes, but he believed with an infinite majority of the middling classes throughout the country; and in all our difficulties we must rely on the exertions of the middling classes. He believed an infinite majority of the middling classes were for a moderate and temperate constitutional reform. And why should parliament be unwilling to consent to such a reform? Why should not the representation be suited to the varying circumstances of the country? It would certainly be a most wonderful circumstance if they had had the good luck to hit upon that representation which would not admit a possibility of advantageous change. We ourselves had witnessed a very important change in the representation of Ireland, which had become more popular, without any bad effect having resulted from it. What great mischief could arise if Scotland were gratified—if an attempt were made to improve its representation—if that could be called representation which was not representation? What great harm could happen if the representation of some of the notoriously corrupt and trading boroughs were transferred to Manchester, Birmingham, and some other places? He believed, if a serious attempt at this sort of constitutional amendment were made, it would do more to put down the evil disposition which he was sorry to say did exist in some districts, than any other course which could be adopted. It had been wisely said, that the bulk of mankind were little curious about any theories when they were happy, and that it was a sure proof of a misconduct on the part of those who governed them, when a whole people were discontented. The advice which the noble marquis who spoke last night, gave the House, and which was worthy of the noble family to which he belonged, was most judicious, and every way deserving of their attention.

The *Solicitor General* confessed, that the course of observations which had been pursued by the hon. member for Shrewsbury, appeared to him to afford a practical illustration of the mischief of indulging in comments on the proceedings at Manchester. There was a judicial proceeding at this moment depending before the coroner, which might affect the lives of the individuals, against whom it was directed. That proceeding had been adjourned at a certain stage, evidence having been heard on the one side, and partially only on the other, in consequence of most unjustifiable conduct on the part of some persons, tending to pervert the due course of justice. It was a proceeding which had been for a time deferred. While, however, it was yet pending, possessing as it did so grave a character, an hon. member had thought himself justified in bringing before that House, and through the House before the public, a part only of such evidence, coupled with inflammatory statements, tending to defeat the ends of justice in a manner almost unprecedented. The whole system of proceeding adopted by honourable gentlemen on this occasion was most extraordinary. He felt a great satisfaction at the tone and temper adopted by the gentlemen on the other side of the House, with respect to the character of the meeting of the 16th, in the course of the debate of last night. For three long months the country had been told, in every form in which it could be told, that that was a peaceful and legal meeting; and that the magistrates were not justified in interfering with it. He felt, therefore, grateful for the observations of yesterday, by the gentlemen on the other side, beginning with the right hon. gentleman who opened the debate, in which it was implied at least that the meeting was illegal [Mr. Tierney here said across the table, "I never said any thing of the kind."]—He had not said that the right hon. gentleman stated the meeting was illegal; but, from the course of observations pursued, it was quite clear, as he thought, what was passing in his mind on the subject. The hon. gentleman who succeeded him had not stated that it possessed a legal character. Of how much consequence would it have been to their argument, if they had stated it was a legal meeting. When, therefore, they did not take that course, it was a fair presumption, they considered the meeting illegal. But an hon. and learned friend

of his had not been so guarded—he had admitted, in the most distinct and unqualified manner, that the meeting was not of an illegal character—he had not only allowed, in the outset of his speech, but afterwards, in the most unqualified terms, in the course of it, that it was an illegal meeting.

Mr. *Scarlett* rose to order. He appealed to the chair whether, after the explanation which he had given last night in consequence of what he supposed an involuntary misunderstanding of what he said, any hon. member was justified in repeating the misrepresentation.

Mr. *Bankes* said, that the interruption was irregular on the part of the hon. and learned gentleman. It certainly was not competent to any member to interrupt another member while speaking (though it was sometimes done by permission of the member speaking), in order to explain any misrepresentation, but it was competent afterwards to rise and give the explanation.

The *Speaker* concurred in his opinion. If for convenience, or by courtesy, an opportunity was allowed a member to correct any misunderstanding of a member addressing the House, this was to be thankfully received; but though it was an ordinary courtesy of the House to allow a mis-statement or misapprehension to be instantly corrected, as often saving time and further misapprehension, this could not be demanded as a right by any member.

The *Solicitor-General* continued, if his hon. and learned friend had waited for the sequence of his assertion, he would have endeavoured to show that his hon. and learned friend was not warranted in the premises he had assumed. He had assumed that the meeting was not illegal on the statement of the noble lord. He would recall to the memory of his hon. and learned friend what that statement referred to. The facts mentioned by the noble lord all related to the events which had occurred after the meeting had assembled. His hon. and learned friend had thrown out an argument of an extraordinary character, viz. that an impression had gone abroad that the ministers were determined to put down meetings for redress of grievances by force of arms, and he had hinted that the legal advisers of the Crown might have been the cause of this determination. What did his hon. and learned friend find in the character of the legal advisers of the Crown to countenance such an idea? He felt himself bound not to let such an insinuation pass without repelling it. It had hitherto been the policy of the gentlemen on the other side to pass lightly over the question of the legality of the meeting of the 16th, to create an erroneous impression, that the magistrates without sufficient warrant "let loose," as the phrase was, the military on the people. It was impossible to judge the magistrates fairly without examining the character of that meeting. That it was an illegal meeting alone might not be deemed sufficient by the House to warrant the proceedings which had taken place; but to him it was completely evident that the character of the meeting was almost treasonable, and that the magistrates were not only justified, but that they would have been guilty of a complete dereliction of their duty if they had taken a course different from that which they had. As other parts of the argument had been exhausted, he should refer briefly to the facts on which his inference was founded that the meeting was illegal. He should go back to the time of the prorogation of parliament. The moment the parliament was prorogued, the reformers commenced their operations. This he asserted, not from private information, but from the acts and documents of the reformers themselves. No sooner had that event taken place, but meetings were held, most alarming in their numbers and the nature of their proceedings. The avowed object of them was reform, on the principle of annual parliaments, universal suffrage and vote by ballot; in other words, the overthrow of the constitution. The meetings were conducted by persons who made a trade of attending them; by persons holding the most inflammatory and seditious language—"The parliament had forfeited its claim to obedience—the prince had forfeited his claim to allegiance—Charles and James had been, one beheaded, the other exiled, and the present sovereign must meet with the fate of one or other;"—this was the language used, not on one, but on every occasion, and it was promulgated and enforced in publications, in a cheap form, circulated with an activity, of which the House could have no conception. The overthrow of the government by physical force was over and over avowed as a legitimate object. Another formidable engine was found in the union societies,

who corresponded with one another, and acted in concert, than which nothing could be imagined more dangerous to a state. This was the state of affairs at the beginning of August, and it was then that a meeting was planned in order to use their own language, to make a display of their force, and to overawe their adversaries. In judging of the character of a transaction, it was of use to look to that of the actors. An individual was sent for, who had no connexion with the county of Lancaster, Mr. Hunt. To show that the meeting had not merely an illegal, but a traitorous character, they should look to the conduct of this person. Hunt was the person who had presided at a meeting held in July, in Smithfield, in which resolutions were passed, that the parliament was not entitled to the obedience of the country, that after a certain time the laws should not be obeyed, and that the national debt "impudently so called," was not binding on the nation. It had been argued that the law officers had not been mindful of their duty, in allowing such resolutions to pass unnoticed. The law officers had not been negligent, they had endeavoured to obtain evidence, to connect the resolutions with the principal actors, in order to proceed by criminal information; but it was only on the eve of the 16th of August, that they had obtained that evidence, and it was only on account of the events of that day, which seemed to be on a greater scale, that the prosecution was given up. This was the person who was selected to preside at that meeting. Another person of the name of Harrison was present at that meeting, of whom the public had heard much. It had been thrown out, that this person had been allowed to retire from Stockport, that the warrant against him might be executed at the meeting in London. This was not correct. He absconded, and the officers who followed him first found him on the hustings at the Smithfield meeting. This Mr. Harrison, the day before the 16th August, was haranguing the people at Stockport, who intended to be present at the meeting, and insisted that parliament ought not to be obeyed. Another individual was present whom they had heard of, Mr. Johnson; he was not present at Smithfield, but he had sent a letter to that meeting, in which he declared, that he would be satisfied with nothing less than annual parliaments, universal suffrage, and vote by ballot, and that the reformers in the North were in ecstacy at being joined by their brethren in the South. Another individual was Mr. Carlile, to whom he would not allude merely on account of the offences of which he had been found guilty. This individual had a shop in the metropolis, on which had been inscribed Office for the Sale of Republican and Deistical Works. He conducted also a paper called the Republican. He knew not whether it had met the observation of gentlemen in that House; for it was the peculiar evil of these cheap publications, that while they found a circulation among the classes most exposed to their noxious influence, they had no circulation among those whose information might enable them to expose and counteract them. In this publication he had poured forth his sentiments profusely—"We had a mock king, and a mock parliament—it was now time to take up arms to play the man."—These were no unfavourable samples, they were rather tame and insipid compared with the general character of the work. There was a letter addressed particularly to the soldiery, in which he told them they were bound to obey the king, "but not a boroughmongering faction," for that was the name which this writer gave to a faction which was supposed to rule over this House, but under that name he included all legal authorities. Such were the persons who were invited to attend a meeting called under these circumstances. Another fact to show the character of the meeting, was, that persons for weeks previously, had assembled in the night, and in retired places, 5 or 6,000 at a time, to learn the military exercise. This fact was at first doubted, and it was asserted to be only a fiction of government for their own purposes; but the matter was placed beyond controversy by the evidence of persons who had witnessed, and who were severely ill-used for having come to view those drillings. The assertion of Hunt with respect to those meetings was, that the men were only "playing at soldiers;" that they had nothing else to do, and resorted to this practice for amusement; but it was most important to consider, that a great many of the persons so engaged were men who had served in the line or in the local or general militia, and that they went through their exercises as well as the most disciplined troops. From the papers on the table, however, it would appear that mere

amusement was not the object they had in view, for it was proved that they intended to resist the soldiers on the 16th of August. On the morning of that day most of the shops in Manchester were shut, and at an early hour large columns of men were seen with music and flags (of which he would speak presently), marching to the town in different directions—not arm in arm, for the sake of order, as had been asserted, but in regular military array, commanded by officers, and obeying their orders with all the regularity of disciplined soldiers. They did not proceed immediately to the hustings; that would not have answered their object; but marched through various parts of the town, taking their station at particular points, and waiting the arrival of more troops. Now, he would assert, that if any number of men assembled, so as to excite terror in the minds of peaceable subjects, such an assembly was in point of law illegal, and in fact a riot. There were many authorities which he might cite for this opinion, but he would only mention one. It was that of a great lawyer and distinguished judge: he meant lord Holt—a man who had been pre-eminently distinguished as a friend to the liberties of the people. He trusted the House would bear this opinion in mind, and referring it to the meeting which took place on the 16th, they would find it exactly applicable to the character of that meeting. The meeting assembled as he had described, was arrayed under banners; one was inscribed "Universal Suffrage and Annual Parliaments and Election by Ballot;" that is to say, an overthrow of the constitution. This was the object; the means were explained by other banners:—"Let us die like men, and not be sold like slaves;" "Equal Representation or Death." The evident meaning of the whole united was, that they would have no compromise; that they would have equal representation at the hazard of their lives. Could any one doubt that such inscriptions, sanctioned as they must have been, by the immense assemblage before whom they were carried, were calculated to strike terror into all peaceable subjects? The magistrates, then, had no discretion on the subject; they were bound both by common and by statute law to disperse such a meeting. The civil power was called out, and a military force stationed to aid them if necessary: for as lord Holt said, in the opinion on this subject to which he had alluded, "Who can moderate the event? who can foresee the result?" Yet the magistrates acted with a caution approaching to timidity. They had on that day received communications as to the nature and object of the meeting, from several of the most respectable inhabitants of the town; and on these they had granted the warrant to apprehend the parties. He had heard it said, "Why arrest them then? Why not wait till the meeting was over? To this he would say, Why should they have waited? Were they to have waited till the speeches of the several orators had produced their effect on the surrounding crowds? Why wait until the mischief had broken out? If they had done so, and violent disorders had ensued, what would have been said on the other side? Why, that there had been a neglect of duty, and we should have heard of the expediency of filing criminal informations for that neglect. What had been the consequence in the riots in 1780, when the magistrates had been so neglectful of their duty? What was the case three years ago in Spa-fields. The orators were allowed to assemble; they did so, and one of them jumped from the hustings, called upon the multitude to follow him, and the result was that the metropolis was thrown into alarm and confusion for four or five hours. But it was said, why not try the civil power? He answered, that there were many things which it was not necessary to try, because it was evident they could not succeed. Nadin the officer declared that it was impossible to execute the warrant without the assistance of the military. The men were united six deep about the hustings. The hustings had originally been placed in a different part of the field, and a double line of special constables was opened to it, but this did not suit the purpose of the directors of the meeting; the hustings were removed, and this cordon was formed round it to cut off communication.—The yeomanry troops, before they had attempted to strike a blow, were attacked by the crowd with stones and brickbats, some of them unhorsed and their horses thrown. At this time the 15th hussars came on the ground, and colonel Dalrymple was requested to send some assistance to rescue the yeomanry. Here was a riot created in resistance to a warrant. It had been said, that excess had been committed. Why, if it had, were the

magistrates to be blamed? They had not ordered such excess; and if it was said to have been committed by the soldiers, was there not a coroner's inquest sitting, to inquire into the charges against these sodieirs? The grand jury had, it was said, thrown out some bills preferred against those soldiers; was not that a *prima facie* case in their favour? Whatever the events of the 16th of August were, no inference could be drawn from it, as to the inclination of the ministers to suppress meetings by force, for except that a meeting was to take place, they had no previous knowledge of the arrangements of that day. Whatever the magistrates did, was done by their own authority, with a view to guard against the mischiefs which were apprehended from the meeting.

Mr. *Scarlett*, in explanation, denied having ever said, or meant to say, that his hon. and learned friend, the solicitor-general, or his hon. and learned colleague, had advised his majesty's ministers to resort to military force against the people. From all he had known of his hon. and learned friend, he believed him incapable of such conduct, unless, indeed, his opinions had lately undergone a very material alteration.

Sir *Francis Burdett* said, it was not his intention to trespass long on the indulgence of the House; at the same time, he should feel himself guilty of a dereliction of his duty as a member of that House, if he did not accept the invitation which had been thrown out, and speak his mind freely and plainly on the very critical circumstances in which, it was admitted on all hands, the country was at present placed. With respect to the causes of the difficulties and the dangers of the country, he differed in opinion from many of the hon. gentlemen who had preceded him. The causes were now too obvious to escape the observation of any enlightened person not interested in that system of wasteful expenditure which had brought upon the country an amount of taxation which it was not able to bear, and to which some gentlemen ascribed that disaffection which was said to prevail in the country—a disaffection which, if it really existed (and he denied its existence to the extent alleged), must be remedied by measures very different from those which were likely to be now proposed. In cases of rooted evil like this, wise men would looked to the cause, while ignorant men would resort, not to a correction of the cause, but to palliatives which were ultimately productive of a greater evil than that which they were intended to diminish. A great many strange assertions had been made in the course of the debate, some which would formerly have been deemed inconsistent with constitutional doctrines; some which even, when he was first a member of that House, would not have been hazarded, or if hazarded, would have been received with a disapprobation, that would have prevented repetition. There had been so many contradictory statements of facts, so many contradictory modes of argument, on the question before the House, that the necessity of inquiry was sufficiently proved by those who opposed it. Among the reasoners upon the subject, there had been two, whose arguments might be classed together, the hon. and learned gentleman who last spoke and his hon. and learned friend, if he would now permit him to call him so, the chief justice of Chester. He had been long enough a member of that House not to be surprised at any thing, but nothing could be more calculated to surprise him than to witness his hon. and learned friend rising to make that speech which it had been his good fortune or bad fortune to hear: for from what he had formerly known of that hon. and learned gentleman, he should have expected very different sentiments from him. The speeches of those two hon. and learned gentlemen were in direct contradiction to the speech of the noble lord. The right hon. gentlemen on the other side might perhaps congratulate themselves on the accession of legal aid which they had acquired, and, indeed, it was evident that that accession to their strength was increasing every year; but upon great constitutional questions, he might be permitted to say without offence, that there were no members of that House to whom he listened with less deference, than to gentlemen of the long robe, however willingly he might bow to their authority on legal questions. He certainly did not think, that on the present occasion these learned gentlemen had aided the line of defence pursued by the noble lord. By the course which the noble lord had adopted, all proceedings antecedent to the arrest of Mr. Hunt were to be put out of the question entirely: and it was admitted that till that time the magistrates had no right to interfere.

But what said the hon. and learned gentleman who had just sat down? He said that all the meetings previous to that of Manchester on the 16th August had been not only riotous and tumultuous, but treasonable; he said that treason had been concocted before the meeting at Manchester took place. But where were the proofs of this treason? "Those were cruel times when men were traitors without knowing it." The unfortunate persons at Manchester were not aware of their treason. On the contrary, they proved by their conduct that they meant to act consistently with the laws. It was true, indeed, that they meant to act in such a manner as should give effect to the purpose of their meeting. But let the House look at the situation of the people. Perhaps for fifty years, but in a more marked manner for ten or twelve, the opinion of the people had been declared in favour of a reform in parliament. It was not his intention to enter at present into the nature of the reform which they required; but it would be admitted that those opinions did not furnish a sufficient ground for putting them to death by the sword, and that admission was sufficient for his argument. The hon. and learned gentleman had said, that on former occasions magistrates had not acted with sufficient promptitude and effect; but surely it was no argument to say, that because the people had not formerly been published with sufficient severity, they ought in this case to be visited with a punishment greater than they deserved. There might be, on the part of the executive government, sins of omission as well as of commission; and he believed they had to answer for many of the former description; but their having neglected to discharge their duty on one occasion, could never authorize them to exceed it on another. The hon. and learned gentleman had talked of the banners displayed on this occasion as indicative of the feeling by which the people were actuated; as if the people had never before assembled under banners, expressing their sentiments. Why, one of the most obnoxious of these banners bore the inscription "Death or Liberty;" and that, surely, was a sentiment inscribed on the heart of every Briton. Whether it was desirable that such meeting should take place was quite a different question: what he said was, that they did not afford a sufficient cause for subjecting the people to military execution. They might be made the ground for enacting new laws, but not for violating the existing laws. The argument of the hon. and learned gentleman was a strange prelude to the proposal for increased legal power. Far from showing that the power of the law was deficient, he showed quite the contrary. The law, according to him, was surely strong and severe enough. On a great constitutional point like the present, he was ready to meet any gentleman in that House or elsewhere, for such a question required no legal knowledge; all that was necessary was honesty, joined to a common understanding. The conduct of the chief justice of Chester had greatly surprised him on this occasion, and he was afraid that the learned gentleman had been rather unfortunate in his *debut*. When he considered the great judgment which the hon. and learned gentleman had displayed on other occasions, and his former opinions upon constitutional questions (which he could never cease to remember), he thought it wonderful, since the hon. and learned gentleman might at a future period have to decide as judge upon the question of the Manchester proceedings, that he should have thought the present a proper occasion for declaring his opinions on the subject. The hon. and learned gentleman had declared that he had no doubt that the meeting was illegal: and this point ministers had imagined they might obtain as it were surreptitiously, supposing that no hon. gentleman would rise to deny the illegality of the meeting. The hon and learned gentleman had argued as if the meeting at Manchester were admitted to be illegal by their opponents on that side of the House; but the fact was not so; for the argument on that side had been, that whether the Manchester meeting were legal or illegal, a parliamentary inquiry should be instituted under all the circumstances of the case. If that meeting were legal *a fortiori* such an inquiry should take place in consequence of the extraordinary means adopted to disperse it. But was it not matter calling for inquiry, how it happened that ministers should have advised the Prince Regent to return such an extraordinary answer to the address of the city of London, or that his Royal Highness should have been persuaded to express his satisfaction at the conduct of the magistrates and yeomanry of Manchester. For what was his Royal

Highness thus persuaded to applaud? Not the discretion, moderation, or forbearance of the persons alluded to, but their promptness in shedding the blood of their countrymen. Yes, this was the conduct, which, as it was held forth to the country, gave satisfaction to the royal breast. What responsibility was not incurred on the part of ministers by whose advice the Regent had been induced to put forth such an extraordinary publication? The House had been told, that the Riot act was read before the yeomanry were ordered to make a charge upon the people. But the reading of the Riot act did not authorize the shedding of the blood of men, women and children. Such a proposition could not be seriously maintained for a moment. But how could the reading of the Riot act warrant the cutting down of even the peace-officers employed by the magistrates themselves, for some of these officers were among the sufferers at the Manchester meeting. Yet, where was the evidence that the meeting was such as called for the reading of the Riot act at all? The mere assemblage of people could not be said to imply a riot, unless such meeting appeared to be collected for a riotous or illegal purpose; or, otherwise, if a parcel of old women assembled, it might be maintained, that the Riot act should be read to them, lest they should set fire to the town. The Riot act, that disgrace to the Statute book, was never, with all its faults, intended for the purpose of authorizing military execution. What did it say? Did it say that if the people did not instantly disperse, they were to be cut, maimed, and killed indiscriminately; and if so, that no inquiry was to be demanded? No; it said that you were to give them warning, to read the act, and to allow them time to disperse. If they did not disperse, what then was to be done? Put them to death? No: they were to be taken into custody; and all violence necessary for that purpose might be used, but they were not to be wantonly sabred, trodden down, and shot. As to the military, the Riot act did not notice them even, for, at the time it was passed, it was never contemplated that the military were to interfere on such occasions. Nothing of the kind appears in the act itself. It was a lawyer (Lord Mansfield), whose authority was often quoted for maxims by no means congenial with the British constitution, who first laid it down, that as soldiers did not, as such, forfeit their privileges as citizens, they might be legally employed in aid of the civil power. But, as soldiers were now transferred from the pale of the constitution, and placed under an arbitrary jurisdiction, which could enforce obedience, and impose punishment, by means unknown to our established laws, they ought not to be employed in the manner in which lord Mansfield and the hon. and learned gentleman on the other side recommended. He by no means entertained the apprehension of the conduct of British soldiers which the Roman poet's description of the language of a mercenary soldier would induce—

"Pectore si fratris gladium juguloque Parentis
"Condere me jubeas, gravidaque in viscera Patri,
"Conjugis, invita peragam tamen omnia dextra."

He was satisfied that the feeling and principle of his military countrymen were quite of a different description. He hoped that no minister would ever dare to employ them for the purpose of oppressing the people; and, if ever a minister of this country should dare to make the attempt, he was persuaded the soldiers would not allow themselves to be made the instruments of subverting the constitution. Such was his firm impression.—But to return to the Riot act, severe as that law was, and inconsistent as it had always been deemed with the benevolent principles of the British constitution, it was now it seemed regarded as too lenient by the ministers and agents of our government. For the Riot act did not warrant military execution, but merely provided, that if the people did not disperse within an hour after that act was read, they should be taken into custody, not to be sabred, but to be brought to trial. Such, however, was not the view taken of the subject by the magistrates of Manchester, when they let loose the yeomanry upon the meeting of the 16th of August.—But it was said that the force employed on that occasion had in view the dispersion of a dangerous—nay, treasonable meeting. Now, if it were the object to prevent this meeting (and prevention would have been much more easy than dispersion), how came it that Mr. Hunt, who was deemed the principal of the meeting, was not taken into custody before the meeting took place? If the head had been arrested, the natural probability was that the body would not have moved. The noble secretary for foreign affairs had made rather a skilful defence upon the occasion;

but his hon. and learned friends beside him had in the course of their observations, betrayed that the noble lord's main positions were untenable. It was known that Mr. Hunt acted in this instance with much more discretion than the magistrates. He went to the magistrates of Manchester previously to the meeting, and told them that if they had a warrant against him to serve it then, because if it should be done at the meeting, he could not answer for the consequences. His hon. and learned friend (the chief justice of Chester), and the solicitor-general, had, with others, maintained that the meeting at Manchester was quite illegal; if so, then why was not that made known to the magistrates before the meeting, and then Mr. Hunt might have been prevented from attending it? His majesty's ministers had no doubt frequent communication with the Manchester magistrates, and why then was not the opinion of the Crown lawyers made known to those magistrates in due time?—Had this been done, what mischief might not have been prevented? The Solicitor-general had observed, that it would have been very wrong to postpone measures until mischief was actually done, and this observation the hon. and learned gentleman made with a view to justify the sudden and forcible execution of the warrant against Mr. Hunt in the midst of the meeting. But he would ask that hon. and learned gentleman, whether according to the principle of his observation it would not have been better to execute the warrant alluded to before the meeting was convened, than to order its execution when the assemblage of the people were so dense that the yeomanry could not advance without force, and as their defenders had said, without sabring the people. Why, he would again ask, had not ministers instructed the magistrates of Manchester that the whole proceedings were illegal? Why had Mr. Hunt been allowed by the magistrates to go on in those treasonable practices till the very point of time when the warrant could not be served without shedding blood? The discharge of this duty was delayed till the people were wedged close around the hustings, and then it was executed by dashing in among them, sabring them, and trampling them to the ground. Military execution, it seemed, was the method adopted of serving a legal warrant. It was said that the military would not have interfered, if the people had not placed themselves so close together as to prevent the officers from reaching the hustings; and all he should say on that was, that such a position was not a very strong indication of their intention to use force. As to the line of troops drawn round the meeting, to prevent the people from dispersing, it could be called nothing but a plan to shed blood. The House had the authority of an hon. baronet on the floor, that the people were not allowed to disperse, the only outlets from the place where the meeting was held being actually blocked up by the soldiery.—According to the hon. baronet's statement, indeed, a body of people endeavouring to find their way by a particular outlet were actually sabred. His hon. and learned friend and the solicitor general had specially rested their opposition to the proposed inquiry on this ground, that any persons aggrieved might obtain redress through an appeal to a court of law, but it held out no great encouragement for such an appeal, to find the meeting at which so many suffered, denounced as illegal, by those through whom alone redress could be obtained. Those who called for parliamentary inquiry considered that many of the parties who had suffered on this occasion were unable to obtain justice at the expense which attended proceedings in the courts of law. It was true the men whom Meagher, the trumpeter, had shot from his window, if they could afford to prosecute him, might get a verdict against him; and the women who had been sabred by the yeomanry, if they could identify the persons who cut them down, might obtain redress from the laws. But what was all this to the House of Commons? What had this to do with the complaint of the people of England? What had this to do with the breach of the constitution involved in the whole of the transaction alluded to? What had it to do with the conduct of ministers, who, he firmly believed, were at the bottom of this transaction? The attainment of redress by individuals could not acquit the ministers and magistrates, or vindicate the constitution, and therefore the House was in his opinion bound to institute the proposed inquiry. To satisfy the country this inquiry ought to be gone into. The lieutenant of police, lord Sidmouth, who exercised a sort of authority hitherto unknown in this country, whose whole system appeared to be borrowed from France,

should be called upon to account for his conduct, and by what means could that be done, unless the House of Commons institute an inquiry. The solicitor-general in dilating upon the means through which redress might be had for the sufferers at Manchester by the ordinary course of law, had particularly dwelt upon the inquest, in the conduct of which a London attorney (Mr. Harmer) had acquitted himself in a manner so creditable to his talents and zeal. But how could the conduct or result of that inquest serve to satisfy the injured constitution of the country? Was it possible that any man with a drop of English blood in his veins can deem such proceedings sufficient to satisfy the claims of justice for the outrageous conduct at Manchester? As to the argument derived from a supposed prejudging of the question, he conceived that when he said a murder, or any other criminal act had been committed, he did not prejudge the person accused. All he said in such a case was, that he accused that person who had about him all the circumstances that subjected him to a suspicion of guilt; he only brought the accused person before the proper tribunal to be judged. In the same terms here, he said that blood had been wantonly spilled at Manchester; but he did not, therefore, prejudge the matter. If that House would not listen to the subject, the public would sit in judgment upon them. If they heard only the *ex parte* statements of the magistrates, let them not think that even an unanimous vote (which, thank God, it was not in the power of ministers to obtain, would have any effect in satisfying the public. The whole matter formed a great constitutional question; and neither the verdict of the coroner's inquest, nor the verdict of any other jury could adequately answer the object involved in such a question. But with respect to the inquest, he could not help referring to what had been urged by his hon. and learned friend, as well as by a right hon. and learned gentleman, one of the representatives of the sister country, and who spoke with ability on every subject. Those hon. and learned gentlemen had admitted that there would be some ground for the proposed inquiry, if it appeared that justice was delayed or denied. Now he would ask, whether justice had not been delayed in the conduct of that inquest? It had, indeed, been most unaccountably delayed; and therefore, upon the ground stated by those hon. and learned gentlemen themselves, he felt it necessary to call for parliamentary inquiry. His hon. and learned friend had observed, that it ill became his quondam reforming friends to press so anxiously for the preference of an investigation by that House.—There might be those who maintained, that little confidence was to be reposed in that House; but he believed there were none who thought that nothing at all for the good of the country, or the cause of justice, was to be expected from it; and, notwithstanding the very exceptionable manner in which that House was constituted, he cannot suppose that any body of British gentlemen, influenced by common sense and common shame, could enter into an investigation of that nature, without coming to a result satisfactory to their countrymen. By engaging in the inquiry, the House could not suppose that it would become fairly liable to the charge of prejudging any question. If, indeed, such a notion of prejudgment were just, no accusation whatever could be presented for any description of crime. But it was mockery to say, that accusation was in any degree tantamount to prejudgment; and the idea was only held out with a view to delude good feeling into the adoption of an exceptionable proposition. Some one must accuse before the House could be called upon to inquire. The accusation was matter of notoriety; and, in answer, various statements were made to the House, upon the whole of which it was their duty to inquire, with a view to satisfy the public mind.—The eyes of the people were now in a peculiar degree fixed upon them; and it behoved them as they valued their character, cautiously to consider the vote they were about to pronounce. The opponents of reform were in the habit of saying, that although the House might perhaps be constituted in a manner not to be justified in theory, its conduct was practically good. Let the House then answer the advocates of reform by practical acts. A right hon. gentleman on the other side, who had too much good sense to attempt the defence of the present extraordinary system of borough representation was in the habit of maintaining, that whatever might be its theoretical defects, it worked well for the country, and he therefore deprecated any change. Now he would call upon that right hon. gentleman to urge the House to show to the country on this important occasion, that notwithstanding its imper-

fect constitution, it could work well for the country and for public justice. With respect to the verdict of the grand jury at Lancaster upon which so many gentlemen seemed to think that they could ride over all the complaints from Manchester, he must express his decided dissent from the opinions of those gentlemen. But while he expressed that dissent, he hoped not to be understood as in any degree to malign the character or question the motives of that grand jury. The gentlemen who composed that jury might have decided very conscientiously, as no doubt they did, and yet those whose cases were submitted to their consideration might have very strong grounds of complaint. For those complainants might not have made out their case to the satisfaction of the jury, from the want of sufficient evidence. But were such sufferers to be precluded from any opportunity of obtaining redress? He could not for a moment believe that the grand jury acted under the influence of any prejudice, or that the gentlemen of which it was composed could possibly be reconciled to violate their oaths; but the difficulties connected with the construction and character of lord Ellenborough's act were such, that a bill presented by a woman who was sabred had been thrown out, although the injury sustained by the woman was quite obvious. It did appear, that throughout the whole of the proceedings, every impediment had been thrown in the way of a legal investigation. A right hon. and learned gentleman had stated, that he was not aware of any delay of justice having taken place with reference to the proceedings at Manchester. Was it, then, no delay, no deviation from the ordinary course, first to use every means for rendering the coroner's court private, and then to adjourn the proceedings under the inquest for several weeks? Who wished for secrecy? They who had sinister designs. Who courted publicity? They whose objects were fair and legitimate. In this case a direct attempt had been made to conceal evidence, and even a power exerted of committing men simply for taking notes of what was passing. He was at a loss to understand what good reason could be assigned for such unusual and arbitrary measures. Here, then, was an instance of positive extraordinary delay; an absolute refusal, nobody could tell why, to proceed with the subject matter of a judicial inquiry. Whether this delay would be prejudicial or not, was not now the question; but it had an appearance of mystery; it created suspicion in the public mind. It only served to render the demands for inquiry louder and more imperative. The court of King's-bench had, however, been applied to, and had directed the subject to be brought before it, and he should therefore dwell no longer upon it at the present moment. It appeared to him, upon a review of all the accounts and arguments which he had heard respecting this melancholy occasion, that on the one side persons charged with violating the laws had not been convicted; and on the other, that an object professedly legal had been effected by military force. An hon. gentleman opposite said no; why then not ascertain the fact by evidence at the bar? He was glad to hear the right hon. and learned gentleman admit that to meet for the purpose of expressing their complaints, and to petition for redress, was one of the great constitutional birthrights of Englishmen. But then, according to the right hon. and learned gentlemen, that liberty was attended with so many restrictions and provisos, that although it was admitted in the abstract, in practice it was impossible. He had heard of the danger of numbers assembling together—the precise amount which came up to the point of danger was not stated, but as far as he could understand the notion, it was when they became too strong to be controlled by the civil power. If the people met in parishes, or in small bodies, then their assemblies were described as contemptible. The House had seen its tables—aye, its floor, covered with petitions, each signed by only 20 individuals. How were those petitions received? Was it not said that they did not proceed from the people, that their signatures were obtained by management, and that no interest was taken in the subject by any great portion of the community? The people at large, it was loudly maintained, did not want any reform, because they petitioned only in small numbers; but they no sooner assembled in multitudes, for the same purpose, than they were charged with treasonable intentions. It was then considered that they might meet in vestries, and that this proud privilege and mighty birth-right would be most conveniently exercised by joining a couple of constables to every party of three persons! The people were accused of a disposition to subvert the constitution. But this

charge was totally unfounded, for the fact was, that the people did not desire to make any change in the constitution, seeking only to acquire their due influence in that House by improving the system of the representation. He was convinced, indeed, that the people were never more loyal than at the present moment. There might be what was called training, he believed not to any material extent, but this did not alter his opinion of the general feeling of the people. For how many years had the people been petitioning in vain for a reform in parliament! An hon. gentleman had complained that the reformers spoke harshly of a borough interest; but that interest with all the corruptions attending it, was as well understood by them as it was notorious within the House. The noble lord had also censured the irreverent manner in which the composition of that House was sometimes alluded to—that same noble lord who had been detected in bartering the patronage of government for parliamentary support. He did not mention this topic for the purpose of intimating that the noble lord had escaped a punishment which he deserved. He did not wish to see him punished for doing what was done by every other minister of the Crown. But there sat the noble lord "with all his blushing honours thick upon him," whilst sir Manasseh Lopez was condemned to pay a fine of 10,000*l.* and to be imprisoned for three years—for doing what? Why, compared to the noble lord, Sir M. Lopez was pure as snow. In such a light, he was all innocence; he had endeavoured to bribe a few electors; the noble lord to corrupt the representative body itself. The only defence of the noble lord against impeachment was, the notorious and acknowledged rottenness of the system. This, in his opinion, was a sufficient defence; and if it were proposed to bring the noble lord to punishment, a question that might arise were he to change sides, such a proposal should not have his support. He was not the man who would cast the first stone, but he had a right to complain that a system of such gross hypocrisy and scandalous injustice continued to be upheld. The rational part of the public would sooner or later be satisfied, and to turn a deaf ear to their remonstrances was not the way to silence them. Englishmen were not to be suppressed; they would not cease from complaining because their complaints were unheeded, nor could any thing be gained by rendering them hostile to the government. Was it not doubtful whether the taxes could continue to be paid, if fresh expenses were incurred by the augmentation of our establishments? If new and severe laws were passed, he feared that they might lead to retaliatory acts on the part of the people, which would be made the pretence of still further oppressions; and we should find ourselves at length engaged in the same bloody course which had been run in Ireland, and which terminated in rendering the Irish parliament so disgustful to the country, that it was induced to abdicate its functions and commit political suicide. His earnest hope was, however, that the English people would not be reduced to the same state of suffering, of despair. There was one certain mode of alleviating their grievances. It was remarkable, he might here observe, that it had become a prevailing fashion amongst many, to mix up reform and irreligion, as two things necessarily connected. Some persons appeared to consider them like church and state—inseparable; but, for his own part, he could not imagine how the destruction, of christianity should be favourable to the cause of reform. The result would, as he apprehended, be entirely the reverse. In point of fact, the same opinion was entertained in the time of Charles 2nd when it was the policy of the court to favour every species of irreligion with a view of extinguishing all zeal for a free government. Christianity was felt to be a religion of liberty: it taught a doctrine abhorred by many—the natural equality of mankind. But it likewise inculcated justice, it recommended charity, and forbad the imputation of evil motives to others without sufficient ground. It was scarcely consistent with its spirit to throw out charges of disaffection and disloyalty against all who were not loyal *par excellence*, which he understood to mean supporters of his majesty's ministers. His own conviction was, that the people throughout the country were strictly loyal, and firmly attached to the constitution. But then they wanted that constitution; they desired to see King, Lords, and Commons. They were as unwilling that the Commons should be excluded, as that the King should be excluded. There was no nation on the earth that looked with more regard to those above them, when any sympathy was manifested with their con-

dition, or when either virtue or talent was displayed. This was, indeed, only a further proof of their good sense; and he verily believed that his majesty's ministers were much perplexed to find them so loyal and tranquil as they had been. The Treasury prints, when Mr. Harrison was arrested at Smithfield (an arrest that might have been more properly made after the meeting), upbraided the people with cowardice for not resisting it. The noble lord was at his wit's end because they had not justified his epithets of seditious, treasonable, and so forth. With regard, too, to the doctrines which were objected to them, was it not matter of historical fact, that parliaments were once held annually in this country? This assertion would not, he apprehended, now be denied. Was it not also known, that no less a person than the celebrated Selden had maintained the principle of universal suffrage? He did not say that such measures were in his opinion advisable; but those who applied hard names to them proved nothing but their own ignorance. Although these doctrines were professed, he had little doubt that the bulk of the people, with their known good sense, would be satisfied with any reform that should establish an effectual control over the government, in the Commons' House of Parliament. It was natural that much should be claimed when every thing was refused; but there was a broad line of debateable ground between abstract principles and practical good. When the latter was sincerely aimed at, compromises between opposite interests and opinions necessarily followed. That it would not be difficult to satisfy the country, he was persuaded; and he believed such an effect would be beneficial to all parties, not even excepting the government. The tendency and spirit of the Christian religion were to spread general liberty throughout the civilized world; there was no ground for supposing that the people were insensible to its influence, no ground for those unqualified accusations which almost seemed to describe that House as the only part of the country that was uncontaminated. But even if that were the case, it might require consideration to decide upon the most effectual remedy. Was it possible to refute opinions or convince men of their errors by physical punishments? Actions and not opinions were the proper objects of legislation. The country was now threatened by the noble lord with all sorts of new restrictions, and this was supposed to be the true way of raising the character of parliament in public estimation. Parliament had, unfortunately, never assembled of late years without some new infringement on the rights of the subject, though on every such occasion it had likewise added with an unsparing hand to the amount of the public burdens. He could hardly conceive how the minister had screwed himself during the last session, up to the point of enforcing 4,000,000*l.* of fresh taxes, in the actual situation of the country. He said 4,000,000*l.*, because, including the charges of collection, that was the sum taken or attempted to be taken from the people's pockets. A noble lord who never uttered sentiments unworthy of his name and family, had invited his majesty's ministers to propose a renewal of the income tax. He could not join in this invitation, which he doubted not his majesty's ministers would very willingly accept, and exchange their late unproductive taxes for so certain a resource. But it was a complete mistake to suppose that the poorer classes did not feel the effects of a tax on income, and little better than a fallacious jargon to talk of a salt tax or any other tax as alone affecting them. The rich man's pocket was the fund out of which the poor must always derive the means of their subsistence. At present, however, the country had nothing before it, but fresh taxes of some description, and increased military establishments. It became matter of serious and important consideration to those who had the best sort of property, property in land, what ought to be done in justice and policy to satisfy the claims of the public. They saw lord Fitzwilliam dismissed from office, because he had expressed himself publicly in favour of inquiry; and they saw that although he had been no favourer of parliamentary reform, every public meeting had sympathized with his unmerited disgrace. The people knew how to honour and respect private virtue, although associated with political opinions different from their own. Persons in high stations might always exercise material influence over them. It was long in this country before different classes could be placed in hostility against each other. If gentlemen would act with the same independence as lord Fitzwilliam, the government would soon be compelled to adopt mea-

sures of amelioration. Upon the whole, he certainly entertained as strong objections to the address as those stated by his hon. friend, the member for Shrewsbury. He thought at least that some compunction or regret at what had occurred might have been expressed if it had been only from respect, or mere decency towards the public sentiment. He agreed with his hon. friend in disputing the facts on which the government were proceeding, and in abhorring the remedies which there was reason to apprehend. As to the particular nature of the remedies intended, he would not pretend to have a knowledge of them, but their general character there was too much reason to anticipate. "Quod alia scelera, his remedia, vocantur." Whether they were to go the length of not allowing Englishmen to meet, whether public meetings were to be reduced to that minimum which must destroy their very character as public meetings he did not know, but if such was the course intended to be pursued, he could see nothing but anarchy as likely to result from it. The only course which, in the present condition and feeling of the country, parliament is called upon to adopt, appeared to him to be, to satisfy the public mind upon the subject of the transactions at Manchester, by entering into a comprehensive inquiry into the nature and character of those transactions before they proceeded to the discussion of those financial and other questions which it was understood were about to be submitted to them; and which it was certainly high time to investigate.

Mr. *Wynn* rose, to reply to several observations and arguments of the hon. baronet who just sat down. It was unjust to say that that House had, for the last quarter of a century, met only to infringe the rights of the people, whereas it was well known, that during that period it had been principally occupied in preserving liberty at home, and vindicating the freedom of Europe. He was sorry to find the hon. baronet was so well disposed to join in those outcries, which were truly characterized in the address then under consideration. The meeting at Manchester, considering the circumstances by which it was preceded and attended, was illegal even by the common law, which said that numbers were force, and force intimidation; and he contended that they were treasonable to the king and the constitution. The hon. baronet had adduced no arguments to show that the meeting was not illegal. It was the uniform doctrine in this country, that if a large body assembled in arms, with a view to carry any particular point, that body was guilty of treason.—To support this position, he cited the opinion of justice Foster, as quoted on a former occasion by Mr. Fox, upon whose assertion he was entitled to rank that learned judge among the brightest authorities on constitutional law. It was true that each circumstance of terror, if taken by itself, was not perhaps of a criminal character. But all the circumstances when combined, when viewed as all tending to accomplish the same treasonable object, could not be shown to have any other than a criminal colour. What, in fact, was the effect of that meeting; were not shops shut up? Did not several peaceable and respectable families quit Manchester in consequence of that meeting? Could it then be said, that that meeting produced no intimidation? The constitution of England was called, and very justly so called, a free constitution. Why? because it secured property. The right of the people to meet, was derived from that constitution; but if their meeting tended to endanger that property which the constitution declared should be secure, how could they be said to act under the sanction of British law? In this instance, the effect produced, proved, beyond question, that danger to property was generally felt in Manchester.—The inconvenience and terror which might be caused by such large and frequent assemblies, afforded sufficient proof that they could never have been contemplated by the constitution, and that the right of attending such meetings armed, was a still more glaring and audacious violation of the law of the land. The hon. baronet had asked why the magistrates, if they interfered at all, did not interfere sooner? The answer to that was plain—it was because those banners and circumstances of terror were not till then displayed, which could justify their interference. He would be one of the last men in the country to infringe the liberty of the subject; but if liberty was abused, it must be abridged for the moment. According to the new doctrine attempted to be established, if meetings were held every week, for the professed object of changing the order of succession to the Crown, such meetings would not be suppressed as illegal. If there was

a *prima facie* case of blame, he did not deny that it might afford a fit ground of inquiry in that House; but the general principle was, that the House ought not to interfere except where the person or the case was too great to be dealt with out of it. With respect to the question of reform, if any reform were really necessary to the safety of the state, the constitution would supply it. It contained within itself a perpetual source of improvement. True, the remedies which it sanctioned, did not come forth all prepared and formed, like Minerva from the head of Jupiter. It was devised to meet new mischiefs, and to apply new remedies, but not in a precipitate manner. The remedy grew out of the constitution gradually, but full of vigour, and formed for permanence. He was not disposed to make concessions at this moment, as they might open a door to incalculable mischief. If any injury was done, the courts of law were open to redress them; and where they were adequate, as in this case they were, he thought it would be a misapplication of the powers of the House to interfere with their jurisdiction. Objections were taken to the employment of the yeomanry. But when an addition to the military force of the country was called for, the argument was the other way, and it was then held by those who now urged this objection, that the yeomanry were the most constitutional force known in this country. He would conclude by expressing his acquiescence in the original motion.

Sir *John Sebright* declared that he must vote against the amendment; not because he was averse to investigation, but because he thought it could be most effectually carried on in the courts of judicature, and because no assembly in the world appeared to him less fitted for conducting such an inquiry than the House of Commons, inasmuch as the examination was generally carried on in a desultory manner, and the evidence was not upon oath. He would refrain from giving any opinion on the legality of the conduct of the magistrates; but he would say that he conceived they behaved rashly in arresting Hunt at the time that they did, when they might have apprehended him either before or after the meeting, without creating any disturbance. He would go as far as any man in allowing the full right of the subject to meet and petition; but he thought that there could be no security for life or property, if such large masses of people were permitted to assemble from distant parts as on that occasion. To the radicals who composed such assemblies he would do justice—full and ample justice, but he would make no concessions. To satisfy, not them, but the rational and respectable part of the community, he thought the question of parliamentary reform should be entertained; as he was sure, from his own experience in life, that 19 out of 20 of those who reflected on the subject were convinced of the necessity of some reform. He had never been in any society, even of those who generally supported his majesty's ministers, without finding that a great majority was in favour of some change. He did not allude at all to the radicals; they ought to be treated justly, but resisted firmly. The reform that he proposed would not satisfy them, but would satisfy the country, and would draw a line of distinction between their mad adherents and the respectable body of the people. He had mixed with people of all ranks and classes, except radicals, and he found this to be the general conviction.

The Hon. Mr. *Lyttelton* said, that he could not give a silent vote on the occasion, and he owed an explanation the more, as, however habituated he was to respect his right hon. friend, he could not support his amendment. He objected to the amendment, not because he was averse to inquiry, but because an opportunity would afterwards occur for discussing it. He was of opinion, that nothing short of a parliamentary investigation would satisfy the country; but he thought with his hon. friend who had just spoken that the revolutionary faction of the radicals ought to be opposed; and that, therefore, any qualification of the address might tend to weaken that opposition to their designs which was therein pledged. He entirely concurred in the language of the address, although he thought that ministers had exceedingly misconducted themselves, and in nothing more glaringly than in the dismissal of that virtuous and patriotic nobleman, lord Fitzwilliam.

Mr. *Canning** began by saying, that, unusual as was the course which had been pursued the preceding night, in consenting to the adjournment of a debate on the

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Address, he could not help congratulating the House on that deviation from the ordinary rules of its proceeding; for, the technical parliamentary difficulty being once gotten over, he felt it to be of the utmost importance that the vote to which they were to come on this occasion, should not have been adopted without the fullest and most patient discussion. They had now before them all the different classes of opinion which prevailed in the House, with respect to the Address and the Amendment; and with respect to the general state of the country,—a state which, to most persons appeared alarming, and to all perplexing and difficult. Those gentlemen who held cheap the perils described in the Address, would act manfully if they either voted against it, or proposed an amendment expressive of their opinion; but he could not comprehend the reasoning or the policy of those who were prepared to vote for the Address, and yet to tack to it such an amendment as that now proposed.

He would ask of those who were for mixing together sentiments so incongruous,—whether the first necessity of the time were not to put down the revolutionary spirit which had spread throughout the country? If that were admitted, he would ask next, whether the decision of the House upon this night would not go forth with tenfold authority, if unaccompanied by the mitigating appendage proposed by the right hon. gentleman (Mr. Tierney)? Would not the original Address, if voted unanimously, without qualification or addition, carry to the minds of those whose designs it pledged the House to crush, more complete conviction of the serious determination of the House to effect that purpose, than if reinforced by all the denunciations conveyed in the first part of the amendment, to be afterwards weakened by the vague and unsatisfactory expressions with which the amendment concluded? It was true, that in the first part of the amendment, the turbulent and disaffected were rebuked in phrases of even more asperity perhaps than any contained in the original Address; but, in the concluding part, a certain sympathy was expressed, if not with the projects which the disaffected had in view, at least with the principles on which those projects were professed to be framed. Now, refinements were not readily understood by the multitude. Many of the disaffected or of the misled might conceive, however erroneously, that persons who could in any degree approve or countenance their principles, would be ready, if not to lend their assistance towards the accomplishment of their objects, at least to see the accomplishment of them without regret. They might construe any expression, however guarded, of a common feeling, into encouragement if not into co-operation;—especially when they compared what was passing in that House with what had recently taken place elsewhere. For was it not a fact that the Radicals (as he was obliged to call them, though he hoped by some laborious periphrasis to avoid the term in future), could boast of having been associated in a public meeting with the first names in the land? that the possessors of those names, blessed with weath, distinguished by title, elevated by honours, the boast of the country, the ornament of mankind,—had stood side by side with them on the same stage, trembling for a hearing, and only obtaining that grace by their intercession? Did not the Radical Reformers recollect all this? and did they not recollect further, that these mighty Aristocrats, in entering upon a discussion in which two distinct topics were involved, on one of which they agreed with the Radical Reformers, while they widely differed from them on the other, had consented (oh! shame to rank, property, and aristocracy!) for the sake of a little paltry triumph over their political adversaries, to keep out of sight the topic on which they differed from their new allies, and to put forward exclusively that on which they agreed? They agreed that there ought to be an inquiry into the proceedings at Manchester;—a subject unquestionably of great importance (and regarding which it would be seen in what he should say presently, that he (Mr. C.) felt as deeply and acutely as any man,—but still a question of insulated importance, of comparatively narrow range and limited consequences:—they disagreed upon the wide subject of parliamentary reform. As to the importance of this last subject of difference, what was the sense of those who had moved the proposed Amendment? What were the words of the Amendment, regarding the schemes of the Radical Reformers?—"That the House express their reprobation of the attempts which have been made to persuade the suffering classes of the people to seek relief from their dis-

tress in schemes injurious to themselves, dangerous to the public quiet, and inconsistent with the security of the constitution." Thus, then, it appeared that those exalted individuals shared the honours of the hustings with men, whom they considered as entertaining projects "dangerous to the public quiet, and inconsistent with the security of the constitution;" and that with such men they combined their votes on another question, throwing entirely out of their view that by which the public quiet and the constitution were, in their opinion, endangered. This conduct was the more extraordinary if compared with the doctrines which had been preached in this debate, regarding the duties of the great towards the lower orders of the people. "Deal kindly and openly with them" (it had been said); "endeavour to convince them of their mistakes; argue with them calmly and temperately; and they will, no doubt, listen with patience, and acknowledge and retract their errors." How had these doctrines been reduced to practice? When was there a more golden, a more glorious, opportunity for acting upon them than that afforded by the Yorkshire meeting? and how had it been employed? Had any attempt been made at that meeting to argue with the Radical Reformers, and to convert them from their heretical tenets? If due advantage had been taken of that happy moment, what a signal service would the aristocracy of the York meeting have rendered to their contemporaries and to posterity! If they had sacrificed much in feeling, much in dignity, by the mortifying condition in which they had placed themselves; all these sacrifices, and more, if more could be, would have been wisely made and well recompensed, had they seized the opportunity of rendering new laws unnecessary, by the all-powerful effect of reason and eloquence, in converting or putting down the misleaders of the people. But they did no such thing. *They* rebuke, indeed, and lecture the Radical Reformers! No, no. they knew better than to risk such a liberty. They met under a contract (whether written or tacit he would not affirm), that the great question on which they fundamentally differed from the Radical Reformers should not be brought into discussion; and there being but two questions for deliberation,—the one parliamentary reform, and the other the calling of parliament together for the purpose of inquiring into the proceedings at Manchester,—the first they consented entirely to slur over; and, with a most whimsical waste of time, proceeded to debate the second, although the newspapers of the day must have apprized them that parliament was already called. Surely many of those who supported the resolutions at York, must now in their consciences believe that the effect of that meeting had been to give encouragement to those very schemes which the Amendment under consideration now rebuked with so wholesome a severity.

Mr. *Lyttelton* rose to order, and said, that the imputation of a motive, such as that stated by the right hon. gentleman, was disorderly.

The *Speaker* observed, that to impute a motive was certainly disorderly; but, in his apprehension, the right hon. gentleman did not put his argument with that intention.

Mr. *Canning* resumed.—Most certainly, Sir, you have taken the just view of the purport of my observation. I said distinctly, the *effect* of the York meeting, not the intention. I say further, or rather I repeat, that I equally believe, that the *effect*, not the intention, of qualifying the Address to the Throne with the proposed Amendment, would be to encourage the hopes of the Radical Reformers, not to damp them; notwithstanding the wholesome rebuke which I have admitted one passage of the Amendment to convey.

The great point of difference, between the Address and the Amendment, was, the notice bestowed by the Amendment upon the late transactions at Manchester. Mr. C. entreated the House, before they suffered themselves to be led away by all the declamation upon this question, to review the course which it had taken before it was brought under the consideration of parliament. Let every hon. member reflect on his own previous feelings on that question, even up to yesterday; and ask himself whether the *legality* of the meeting of the 16th of August were not the point on which he expected the discussion to turn; and by the decision of which was to be determined—whether or no there were any grounds, either for a parliamentary inquiry, or for any, and what further proceedings on the subject?

And what was now the state of that question of *legality*? Was it not settled in the mind of every impartial man, in the

way directly contrary to that which, before the meeting of parliament, had been so confidently presumed? As his hon. and learned friend (Mr. Scarlett) had this night qualified the opinion which he, in common with, he believed, a great majority of the House, understood him to declare in the preceding night's debate, he would not be so discourteous as to dwell on the impression which the first statement of that opinion had produced upon his mind. Undoubtedly, he had understood his hon. and learned friend to subscribe to the opinion that the meeting of the 16th of August was *illegal;* and he had congratulated himself on the accession of an authority which, if second, was only second, to that of the right hon. and learned gentleman over the way (Mr. Plunkett), who had with such clearness and force argued and established that opinion. But if his hon. and learned friend had not thought fit to give a positive opinion that the meeting was *illegal*, at least, he had not ventured to state an opinion to the contrary. His hon. and learned friend desired to withhold the expression of any opinion at all; and he (Mr. C.) had no right to disturb the tranquil state of neutrality in which his hon. and learned friend had placed himself. But what was to be thought of that neutrality,—what inference but one could be drawn from it,—when, after such an argument as that of the right hon. and learned gentleman, corroborated by the opinions of his (Mr. C.'s) hon. and learned friends who sat near him (the attorney and solicitor general), and not yet denied by any lawyer who had spoken, his hon. and learned friend was satisfied to be silent, and to leave the question without the benefit of his authority either way? The right hon. and learned gentleman, himself a host, had pledged his authority and his reputation as a lawyer (pledges of which the House and the United Kingdom know, and posterity will acknowledge, the value), that the meeting of the 16th of August was an *illegal* meeting. The hon. and learned gentlemen who sat near him (of whose talents he would not speak in the language which they deserved, only because sitting where they did, it might be considered as the language of partiality), they too had pledged their reputation as lawyers to the same opinion. On the opposite side, not one learned gentleman had staked his reputation on the opinion that the meeting was *legal;* not one learned gentleman had hinted that he held such an opinion; no not one. If then there were value in authorities, that value, whether taken by weight or by tale, was on the side of the *illegality* of the meeting; while in the opposite scale would be found only a negative quantity, the unexplained hesitation of his hon. and learned friend (Mr. Scarlett). If there were any lawyer in the House who yet lingered, and would not, with the frankness of his learned friends, stake his reputation on his opinion, Mr. C. could only say that such learned gentlemen (whoever he might be) took as little advantage of the opportunity afforded by the meeting of parliament, for correcting erroneous doctrines, as the Whigs had taken of the meeting at York.

Such then was the state of the Manchester question, as it stood now, after two evenings' discussion, compared with that in which it stood ten, nay two, days ago.—But the necessity of a parliamentary inquiry into that matter had been rested on two grounds: first, on the violation of the constitution, by an illegal dispersion of a legal meeting; and secondly, on the demands of the country. The first ground the House would, perhaps, think pretty well disposed of; at least until some sage of the law should gather courage to dispute the doctrine, yet unquestioned in this debate, that the meeting was not a legal but an illegal meeting. And what if it should turn out upon examination, that the second ground was in fact identical with the first? Let the House take a view of the resolutions of some of the principal meetings which had been holden in different parts of the country; and let it be seen on what grounds they had rested this call for parliamentary inquiry. He would, with permission, mention a few of them briefly to the House.

First came the Westminster meeting, resolving, that "the late meeting at Manchester was a *legal* meeting," that "the people were *lawfully* assembled;" next, the common council of London — "a meeting *legally* assembled;" Halifax, "*illegal* dispersion of a meeting convened *according to law;*" Lewes, "the meeting at Manchester, on the 16th of August, was *strictly legal and constitutional;*" Southwark, St. John's parish, "*perfectly legal and constitutional;*" Richmond, "*legal;*" Carlisle, "our countrymen *legally* assembled at Manchester;" Cumberland, the right of assembling "in a

*legal* manner" appears to have been violated; York, county, "a meeting *legally* assembled;" Reading, "a perfectly *legal* and constitutional meeting;" London, St. Leonard's parish "*legally* assembled;" London, St. Clement's parish, "peaceably assembled for a *legal* and constitutional purpose;" Durham, county, "*legally* assembled;" Durham, city (more cautiously), "a meeting *legally, as it seems*, assembled;" Devon county club (more cautiously still) "we have not yet learnt by what act the people assembled at Manchester had placed themselves *out of the pale of the law*;" Sheffield (in the like strain) "*as far as appears to us*, conducted *legally*;" Norfolk (with similar reserve) "a meeting *not proved to be illegal*." There were abundance of other resolutions affirming the same opinion with more or less of confidence; but he had troubled the House with instances enough, to show the general prevalence of the notion, that the meeting at Manchester was a *legal* meeting.

Now, allowing all due weight to the authority of those resolutions, yet, as they turned out to have been founded in mistake, was it not to be fairly presumed that the meetings which passed them had been taken by surprise; and had, under an entire misconception, come to decisions which they themselves would now admit to be no longer maintainable?

But it was not in matters of law only, that the meetings in the country appeared to have been misled. It was impossible to overlook those flagrant misrepresentations of fact, by which the public mind had been worked up to a fearful state of irritation. It had happened to him (Mr. C.) to take the reports of a part of the daily press on these transactions in the gross; a course of reading which brought exaggerations and contradictions into view, much more clearly than a perusal from day to day. The first thing that had convinced him of the extreme caution with which the testimony of these records was to be received, was an allegation, that the magistrates of Manchester were necessarily actuated by hostile feelings towards the people, from the circumstance of their being generally "master-manufacturers." His connexion with Liverpool had given him acquaintance enough with the general state of things in Lancashire, to make him quite sure that, however true such a circumstance might have been in any other county, it could not be so in the county of Lancaster; it being (as he had often heard, and had had some opportunities of knowing) an invariable rule in that county, not to put into the commission of the peace persons connected with the manufacturing establishments. No person, who had ever conversed with a Lancashire man, but might have informed himself of this rule; and surely no honest man would have hazarded such an allegation without inquiry. That care, at least every man was bound to take, before he asserted a fact to the injury of his neighbour; especially when the prejudice excited by the statement was to extend to the remotest verge of the kingdom, and to hold up those who were the objects of it to abhorrence and detestation. The allegation, however, passed current for some days; then, indeed, came an acknowledgment that it was incorrect; accompanied, however, with the observation, that though the master-manufacturers were not in the commission of the peace, the argument built on that assumption was not the less true. How many persons must have read the assertion, who, perhaps to that hour, were not aware of its untruth! How many persons in the country, remained even up to the meeting of parliament under the influence of that alarming but delusive impression! Was it not obvious that such an impression must materially have influenced the resolutions of any meeting where it was received as true? In that proportion, therefore, was a deduction to be made from the authority of all such resolutions.

But was this the only misrepresentation? By no means. At the meeting of the city of York came forward an hon. gentleman (the member for that city), for whose general character and conduct he (Mr. C.) entertained the highest respect, and stated, that the sabres of the cavalry were sharpened, with a view to the conflict of the 16th of August. It was unnecessary to say that this information from such a man came with a weight absolutely overwhelming. Afterwards, the hon. gentleman was convinced that he had been led to assert what was not founded on fact; and, like an honourable and upright man as he was, he publicly retracted it. He could do no more. But, in the mean time, the resolutions at York had passed; and who could estimate the share which such an assertion, made when it was made, must have had in producing that temper in the meeting which

sanctioned those resolutions? Persons who had only read the statement might be subsequently disabused by the correction; and, so far as they were concerned, the mischief might therefore be cured: but could any man calculate the extent, to which such a statement, while it remained uncontradicted, must have acted on the public feeling at many other meetings than that at which it was first promulgated? Another hon. gentleman, the member for Norfolk, had been led into a like error, purely unintentional, no doubt, but calculated like the former to do extensive mischief, respecting a woman said to have been saved by an officer of dragoons from the barbarous rage of the yeomanry cavalry. The hon. gentleman had taken an opportunity, in this debate, to disavow the authority on which he told this story. He had done rightly. But what might not have been the effect and operation of the story in the mean time?

Deduct, therefore, the amount of the impression made by these, and abundance of other similar fables; deduct the effect of the persuasion (the assumed, uncontroverted, and unquestioned persuasion), that the Manchester meeting was a legal meeting; and then judge, whether public meetings, proceeding to discussion under such influences, could have decided with equity and temper; whether we should not do those meetings the greatest possible injustice if we were to imagine that they would, under better information, persevere in decisions so unfairly and surreptitiously obtained? "No, Sir, it is not till all the meetings which assembled during the prevalence of these mistakes and delusions, shall have re-resolved all their resolutions, with the full knowledge that the Manchester meeting was *illegal*, —that the magistrates were *not* "master manufacturers,"—that the swords of the yeomanry were *not* sharpened with a view to the 16th of August,—and that the horrible stories, of which that related by the member for Norfolk is a specimen, were *not* true,—that we can have a pretence for granting a parliamentary inquiry, on the ground that the country demands it.

"Undoubtedly, Sir, the meeting at Manchester, was attended with great and grievous calamities. Much suffering was occasioned by it to all classes of the inhabitants of that place; and the loss of lives which occurred in the dispersion of the assembly must be deplored by every mind that has the smallest tincture of humanity. In deploring those occurrences, I yield to no man living. But I know how cautiously I must deal with matters of this kind. I know well the nature of the artifices too successfully practised by those who endeavour to pervert the public judgment by the slander of individual character. *Experto credite.* The process is of this kind.—An incendiary narrator of what passed at Manchester affirms, perhaps, that "one hundred persons were slain." Suppose, indignant at this extravagant falsehood, I answer, "No, no, not a hundred, the number of sufferers was six only." "Six *only!*" is then the exclamation, "O barbarian! it is thus that you trifle with the sacrifice of human life!" This, Sir, is the common trick. It consists in first putting forth a monstrous exaggeration of calamity for the express purpose of inviting contradiction; and then holding up to public indignation the man who reduces the exaggeration to the reality, as if he were the unfeeling defender and approver of whatever part of the calamity he does not deny. The trick is at last found out; but it has unhappily too often done its work for the day, before detection. The agents who employ it know their lesson well. The school in which they learned it is that of the French Revolution. It is the old trick of 1794 and 1795; the too successful expedient of Marat and Robespierre. But, deplorable and extensive as the calamities of the 16th of August were, to whom are they to be attributed? Is it not to those, who actuated by selfish motives of ambition—(no, I will not say ambition; I will not squander a word often applied to nobler aspirations on such base designs)—is it not to those who seek mischief for mischief's sake;—who would let loose the whirlwind, though with the conscious incapacity to direct it;—who would lay the fabric of social order in ruin, not so much in the hope of rising upon that ruin, as for the satisfaction of contemplating the havoc and desolation which they had made;—who, outcasts of society, would revenge themselves upon society by scattering and dissolving the very elements of which it is composed;—Is it not to such persons,—to the assemblers of those alarming multitudes, under the preposterous pretence of petition or deliberation, but in fact for the purposes of intimidation and disorder,—that are to be justly attributed all the consequences which follow upon assemblages so wantonly con-

gregated, and upon passions so wickedly inflamed? To *them* the widowed mother and orphan child must trace their miseries. On *their* heads be for ever fixed the responsibility of all the blood that has been shed!"

He came now to the speech of his hon. and learned friend (sir J. Mackintosh). His hon. and learned friend was far too wise and too wary to pledge himself to an opinion in favour of the *legality* of the meeting of the 16th of August; he knew well moreover that if any excesses had been committed in the dispersion of even an illegal meeting, the tribunals of the law were open for redress; but being desirous at the same time of making out a case to show that the proceedings at Manchester ought to be made the subject of parliamentary inquiry, he had been driven to the most whimsical refinements in support of this proposition. Others had stated the magnitude of the question, as a cogent reason for the intervention of parliament; but his learned friend contended on the contrary, that the subject was of so subtle a nature, that the searching minuteness of parliamentary investigation could alone bear upon it with effect. The powers of the House, like the proboscis of an elephant, were now to be expanded to embrace the largest objects; and again to be contracted, that they might lay hold of the smallest. They were to tear up an oak or to pick up a pin. Others had charged upon the magistrates the most atrocious wickednesses,—falsehood, treachery, wilful breach of law, and deliberate murder;—and had contended, that the bar of the House of Commons was the only tribunal whose jurisdiction was sufficiently grand and awful to comprehend the enormity of such crimes. His hon. and learned friend, on the contrary, suggested that the guilt of the magistrates might possibly be no more than a small error in discretion; and it was therefore that he thought the bar of the House of Commons the fit tribunal, as being the only one whose touch was fine enough to handle an offence so delicate and evanescent.

Others had contended that the courts of law were incompetent to try the magistrates; because—he knew not exactly why—the reason had never been very distinctly explained; but whatever it might be, the force of it had been within these few days considerably abated by some blundering fellow, who, not being let into the secret—not being apprized how great an object it was to keep such matters exclusively for the cognizance of the House of Commons,—had actually moved for an information against the Coventry magistrates, for the dispersion of the meeting at Coventry; which motion the court of King's-bench had entertained. Now, it was quite obvious that what could be done in the case of Coventry, might be equally done in the case of Manchester; so of that argument—the incompetency of the courts of justice—there was happily an end. His hon. and learned friend, however, did not deny the competency of the court of King's-bench; but he doubted whether that court would condemn for any thing but misconduct; and he wanted a trial, where error in discretion (if it could be substantiated) might assume the colour, and be visited with the penalties, of guilt; and therefore was he for a trial in the House of Commons. Nay, his hon. and learned friend, and others who had followed him, went further. They thought that even if there were no guilt at all, real or imaginary, substantial or constructive, still a trial in the House of Commons could do the magistrates no harm. Why should an innocent man fear a trial? What more delightful, what more enviable, than the sensations of virtue under unmerited persecution? His hon. and learned friend had singular notions of happiness. A wise antient had said—

——— "Dici beatus,
"Ante obitum, nemo supremaque funera debet."

But his hon. and learned friend had found out, that even in this life a man may be blessed beyond the ordinary lot of humanity. This excess of sublunary enjoyment was to be found, it seems, in a public trial, with a consciousness of innocence. Happy, happy Mr. Hastings! who, for seven long years, continued in uninterrupted fruition of that which is now discovered to be the consummation of human felicity! "These, Sir, are refinements which I confess I do not comprehend. If the magistrates have sinned against the law, the courts of law are open to try them. If they are innocent, I, for my part, will never consent that an innocent man shall be dragged daily before our bar, amidst the taunts of enemies, and under the misconstruction of the public, with the consciousness of his innocence alone to support him."

It appeared to him (Mr. C.) that even justice ought to be dealt between man and man. In former times and in other countries (certainly never in this happy land), favour and affection had been shown to the higher, in preference to the lower, classes of society. At present, in consequence perhaps of one of those oscillations in the human mind which succeed each other with reference to every subject of human interest, there appeared to be a prevalent disposition to presume in favour of the lower, against the higher, classes. He by no means blamed this disposition. If any inequality were allowed to exist, the preponderance ought certainly to be on the side of the weak and unprotected. But equal justice was after all the wisest and honestest course. Now, what kind of equality would be administered between those who assembled the illegal meeting of the 16th of August, and those who dispersed it, if the amendment proposed by the right hon. gentleman were acceded to by the House? Those who had endeavoured to set the country in a flame, would be allowed to traverse their indictments, and to go to their trial at the period which might best please them;—the magistrates who had exerted themselves to defeat these machinations, would be allowed no choice, no challenge, but would be put on their trial without delay. The former, besides being permitted to go to trial when they liked, would have the further advantage that the witnesses against them would be examined upon oath; while the latter when brought at a moment's warning to the bar of the House of Commons, would be arraigned on evidence not given under that solemn sanction. And this was what his hon. and learned friend opposite, with the bandage over his eyes, and the balance in his hand, was prepared to mete out as the award of impartial justice!

That the House were fully aware of the difference between evidence on oath, and that taken without such sanction, was manifest from the fact, that in all cases in which the immediate right of their own members to their seats in that House was involved, the matter was referred to the consideration of a committee, before whom evidence was given on oath, under all the penalties for false-swearing.

But to put the injustice of the proceeding recommended to them in a still stronger point of view, let the House contemplate the result of a trial of the magistrates in the House of Commons, under the alternative either of condemnation or acquittal. Suppose the House by a vote of the majority to find that no blame was imputable to the magistrates of Manchester; would that vote save them from a prosecution in a court of justice? No. The inquiry would merely furnish evidence against them, disclose their case, and send them prejudged to the legal tribunal. If, on the contrary, a majority of the House should find the magistrates guilty of the offence with which they were charged, and address the throne to remove them from the commission; would that save them from a prosecution in a court of justice? No. The decision of the House upon unsworn testimony, having inflicted a disgrace worse than the severest legal punishment, they would then be called to trial again in another court, where the previous decision could not but operate to their prejudice, and where even acquittal could not restore their station or their fame. And this was equal justice! Surely, it was impossible for any man, who duly considered the subject, and who wished to follow the great rule of dealing by others as he would wish others to deal by him, to agree to such an amendment.

There was still another view, however, of the proposed investigation,—its effect on the character of the House of Commons. He did not attribute to the right hon. gentleman who moved the amendment, the design of bringing the House into disgrace: but he must say that, if the amendment had been proposed by any of the—he was at a loss how to denominate them—the white-hatted gentry, he should suspect that they had a double game in view. For, if by such evidence as has been described, the House should be surprised into a decision against the magistrates, then the vengeance of the radical reformers would be fully gratified. If, on the contrary, the magistrates should be discharged of all blame by a vote of the House, there would then be afforded a new ground of clamour against the House of Commons. Either result would be delicious to those gentlemen. In the one event, they would crush the men whose firmness had defeated their machinations, in the other, they would gain a new power for undermining the constitution. But, as the House itself could not possibly have either of those objects in view, he trusted, that they would not hesitate to put an

end to the alternative by rejecting the amendment.

So great was the inconvenience of involving that House unnecessarily in judicial investigation, that he confessed he could conceive few cases, except those which required the exercise of the power of impeachment, in which the interposition of the House of Commons was not attended with a risk of interrupting the course of justice, and of throwing discredit on the ordinary administration of the laws. What could be a stronger proof of this tendency than the sort of use which an hon. gentleman had thought himself warranted to make, in the debate of that day, of the short-hand report of an unfinished law proceeding,—the coroner's inquest at Oldham? What business had the House of Commons with that proceeding,—which was now under revisal by the proper authority, the court of King's-bench?—or what advantage could be derived to the cause of law or liberty by the attempt to cast odium on judicial proceedings? The ill example that was sometimes set in that House, was followed but too closely elsewhere. The coroner's inquest was, to be sure, a tribunal of secondary dignity; but when before was any magistrate, however inferior in dignity, braved and browbeaten, day after day, upon the bench? When before was the majesty of justice insulted in her own temple, as had been lately practised in courts of still higher—of the highest—authority?—He trusted that there was not in that House, or in the country, a warmer friend of rational liberty than himself; but amongst the first elements of liberty he had always understood to be the separation of administrative and judicial functions; and every attempt to unite them in the same hands must, in his opinion, be attended with danger to the constitution.

But it is not only the courts of law, (which may perhaps, heretofore have been reviled by those on whom it was their duty to inflict the penalties of justice,—though never before so openly and grossly insulted)—it is not the courts of law only that in these days are held up to suspicion and hatred:—but other, the most favourite institutions of British judicial administration; institutions which are peculiar to England, and which excite, beyond all others, the admiration and envy of foreign nations. Even the sacred name of juries has been tainted with insinuation; and the unpaid magistracy of the country are attempted to be degraded in the public esteem. As if renouncing the high station which we maintain in Europe, as if anxious to deter those nations which have followed our steps in victory from imitating (as they are eagerly bent on doing) our example in civil life, we have persons among us who are busily employed in defaming those invaluable institutions which are at once the pride and the safeguard of our civil polity. Depend upon it, Sir, if these attempts should be successful, the evil which they entail will be altogether irreparable. One of the most beautiful of our moral poets has said, of the lower classes of the agricultural part of the community—that,

"Princes and lords may flourish, or may fade;
A breath can make them as a breath has made:
But a bold peasantry, their country's pride,
When once destroy'd, can never be supplied."

So say I of the higher ranks of that same portion of the community—the unpaid magistracy of the country.—I do not dread the inroads attempted to be made on the constitution of parliament, with half the horror that I do the efforts to disparage the character of that magistracy. a new House of Commons might be elected. The monarch might create new peers. New statesmen would be found to conduct the affairs of government, if the present race of public men were swept from the earth. But once "destroy" that which "can never be supplied," the voluntary and gratuitous dispensation of justice: once sour the public mind against that, perhaps the sole remnant of natural authority; once thoroughly disgust and dishearten that thankless self-devotion, that unbought sacrifice of time and trouble, that benevolent homage of power and wealth to the interests of the humble and the poor, which characterize the country magistracy;—let that connecting link between the higher and lower orders of society be once broken,—and by that single blow more will be done to disjoint the state, than could be accomplished by the radical reformers, with all their outrageous declarations, and with all their pikes—when they shall use them."

He would now, with the permission of the House, turn to the main subject, of which the House appeared to have almost lost sight,—the speech from the throne. In that speech, the state of the country was painted in colours such as those who advised the Crown had seldom before been under the sad necessity of employing.

That the picture was not overcharged, however, he had a right to presume, as no imputation of that nature had been uttered from any quarter. With the exception of the hon. baronet opposite (sir Francis Burdett), no one who had touched on the meeting at Manchester, had spoken of the designs of the movers of that meeting, manifested not only by their own declarations, but by all their preparations, their emblems and their array, as other than most wicked and indefensible. The hon. baronet, indeed, had talked of the flags unfurled on that occasion, as mere matters of parade. But who did not know, that banners, ribbons and other such devices, might be as clear indications of purpose as words? When some years ago, an orange cockade was worn, on particular days, in Ireland (much more generally than he believed and hoped it was at present), would it have been an answer to the complaints against such a practice to say, "What signifies a yellow ribbon?"—Such things had great signification. Who but the hon. baronet could doubt, that the flags of the meeting at Manchester meant defiance? What could the inscription "Equal Representation or Death" intend, but that those displaying it were solicitous for that which was incompatible with the constitution, and that they were ready to purchase it with their blood? Could such a meeting be legal? Was it possible that any one of the contrivers or abettors of it could seriously imagine it to be so? Could it be deemed so in common sense? The common law, as had been truly said by the right hon. and learned gentleman, (Mr. Plunket), was the perfection of common sense; but what law or what sense could consider as peaceable and legal meetings of forty or fifty thousand persons, convened by no known authority, and marching together in military array, at which doctrines subversive of the constitution were promulgated without disguise, and the determination to carry those doctrines into effect by physical force was audaciously avowed?

He would borrow, on this point, an illustration with which the speech of his hon. and learned friend (sir J. Mackintosh), had furnished him. His hon. and learned friend had told them, that Lancashire had, at different periods, been the seat of different kinds of disaffection; of Jacobitism in the last century, as of Jacobinism at present. Now, he would ask his hon. and learned friend; nay, he would appeal to any one of the hon. gentlemen opposite,—to any whig amongst them,—for an answer to this question,—if in the year 1715, or in the year 1745, or in any year between those two periods, fifty or twenty or ten thousand Lancashire Jacobites had assembled by beat of drum, on the 10th of June, with white roses in their hats, and with the motto "Legitimate Monarchy" embroidered on their standards, would that have been a legal assembly? If any unfortunate Tory had, after such an occurrence, stood up in parliament, and protested that those symbols were perfectly innocent of any improper meaning;—that white was no colour—and that the words "Legitimate Monarchy" referred, beyond all question, to the royal family just established by law;—would he have been listened to with credulity and complacency by the Whig powers of that day? Would he not rather have been reviled as a driveller or traitor; and a new Whig law have been passed for the suppression of such innocent assemblages, at least as strong as the Riot act itself? And pray, what was the difference between the two proceedings, that of Manchester in August 1819, and that which he had imagined as taking place in the same county in 1715 or 1745? Why, that the one would have indicated a design of changing the reigning dynasty; while the other was manifestly directed against the whole frame of the constitution. Any attempt to bring the multitude, and the menaces, and the symbols, and the array of the Manchester meeting within the pale of law, was as fond and as futile as would have been the attempt of a Tory opposition to assign to the Jacobite mob the character of loyalty to the Hanover succession.

The hon. baronet has adjured the House to consider the necessity of conciliation. If by conciliation be meant the expression of sympathy in the distresses of the people, I do most sincerely declare that that sympathy cannot be more deeply felt by any man or set of men in the House or in the country, than by my colleagues and myself. Indeed, can such a declaration be necessary? Even if we had not, like other men, the feelings of human kindness, is it possible that we should be so blind to our own interests, as well as insensible to our duties, as not to feel that the credit as well as the permanency of our administration depends upon the peace and tranquillity of the kingdom, and therewith on the

prosperity and comforts of the labouring classes of the community? But I apprehend, that what the hon. baronet means by conciliation is concession; and concession in the shape of a parliamentary reform. And this, Sir, brings me to the topic which was introduced into this debate by the right hon. gentleman who moved the amendment, and to which he did me the honour to challenge my particular attention. That challenge has been repeated by the hon. baronet. The House will, therefore, see that it is not in my option to decline adverting to this topic; although I could have been well contented to defer it to a more suitable opportunity.

The hon. baronet warns me to re-consider my opinions on the subject of parliamentary reform. The right hon. gentleman has been pleased to compliment me as the most strenuous opposer of a reform in parliament, and as one main obstacle to the success of that project. He tells me that I am as radical at one end of the question, as those who are termed "radicals," are at the other. The right hon. gentleman will pardon me for observing, as I pass, that his metaphor is none of the correctest. I never heard of any plant with a root at both its ends. The root usually tends downwards—*radice in Tartara*;—and I will not dispute that tendency with those who have pre-occupied the title.

But I have no reserve on the subject of parliamentary reform; and, called upon as I have been, I will without the smallest hesitation state my opinions now; declining however to argue them till the period of more particular discussion shall arrive. I am no bigoted supporter of the present order of things as faultless and perfect, or even as necessarily the best that it may be possible for human wisdom to devise; but what I have always maintained is, that the House of Commons, with all its imperfections on its head, discharges well the functions assigned to it by the constitution, and is to all practical purposes identified, with the people whom it represents. I have always contended, therefore, that any sweeping change—any change not very limited and very well considered,—must be attended with great hazard. To say that some heaven-born radical reformer might not by possibility imagine a scheme of a House of Commons, infinitely more beautiful in theory, is a presumption of which I am not guilty. But until I see such a scheme before me in all its scope and in all its detail, I shall feel it my duty to resist any unexplained approaches to reform; because such approaches tend to weaken what exists, without substituting any thing better, or affording any pledge that a preferable substitute can be found.

The course of reasoning, which I think myself entitled—which I think it must be allowed to be most expedient—to pursue on this subject, is as follows:

I claim no other privilege for the existing state of parliament, than that which is allowed to all existing institutions,—that the burthen of proof that a change in them is necessary shall rest with those who propose the change.

Reformation (I speak not here of partial remedies applied—as this House is in the habit of applying them from time to time—to particular instances of detected corruption, but of a general systematic reformation) must be of one of two sorts. It may be a restoration, upon the original principles of the institution to be reformed, to the state in which it stood at some former time, and from which it is alleged to have degenerated; or, it may be a reconstruction of the institution on principles altogether new.

My first question to the proposer of such general reformation, therefore is, "Which of these two modes have you in view?" If the answer be, "restoration to what the House of Commons was in former times;" I then request that the period may be specified at which the House of Commons was, according to the reformer, in the perfection to which he wishes to restore it. If, on the other hand, the answer be, that it is intended to re-construct the House on new principles; then, I think, it is not too much to ask that those principles shall be clearly defined, before we are required to take a single practical step towards the abolition of the existing frame of the House of Commons.

Even after all these explanations had been given, I should think myself at liberty to compare the dangers of a change with the advantages of the change specifically proposed. But, without these preliminary explanations, without knowing exactly what is the nature and extent of the change intended, I should think that to countenance any abstract declaration of the expediency of a change, would be madness.

I differ from some gentlemen who have spoken in this debate, in my behalf as to the degree in which the desire for parliamentary reform prevails throughout the nation. I very much doubt whether that desire prevails much beyond the class of determined reformers,—except, perhaps, among timid and indolent persons, who, untaught by experience, or fearful of exertion, imagine that concession to an invader is the way to peace. With the turbulent description of reformers, it is agreed on all hands, there can be no dallying or compromise. To attempt to conciliate them would be utterly hopeless. And I repeat, I do not believe the sound part of the community to be at all widely infected by the love of change. To use a figure of Mr. Burke's, I will not mistake the importunate chink of a few grasshoppers chirping under a fern-bush, for the voice of the lordly oxen that stray in sober tranquillity over the surface of the field.

I must fairly say, however, that if I could once bring myself to admit the premises which the hon. baronet lays down, I should acknowledge his conclusion from them to be more logical than that of those who call themselves moderate reformers. The latter affirm the existence of a wide-spreading corruption as broadly as the hon. baronet. But the hon. baronet advises a new construction of the House; while the moderate reformers profess to be satisfied with some very trifling alteration. Now, if the disease be as great and as malignant as it is described, I could not be satisfied with so partial a remedy. But I do not admit such to be the extent and malignity of the disease. I do not admit, for instance, that the close boroughs, against which so much has been said, and which are the most obvious and striking anomalies in a plan of representation theoretically considered, are by any means a rotten and gangrened part of the constitution, to be cut off without mercy or remorse. I think them not only defensible, but serviceable. This opinion, Sir, I hold at least disinterestedly. I can have no fear that Liverpool should be involved in any plan of disfranchisement. And I protest, I believe, that the administration of which I am a member, would not lose, but would benefit, by the abolition of the close-borough representation. No small proportion of those boroughs is in the hands of our opponents. If the boroughs of Knaresborough, of Tavistock, of Horsham, of Winchelsea, of Peterborough, were disfranchised, and the right of election were transferred to more populous places —to Birmingham, to Manchester, to Sheffield, to Leeds—I really do not believe that his majesty's ministers would lose numbers in this House; on the contrary, I believe that they would receive more support than at present. But I should regret very much if, by such a measure, the House should be deprived of so many of the great lights* which I see in the opposite quarter of the horizon.

The House, and the right hon. gentleman, will do me the justice to acknowlege, that I have stated my opinions on this question without prejudice, without passion, without any personal or party bias. I think now, as I always have thought, that the constitution of the House of Commons is practically beneficial, though I do not pretend that it is conformable to any uniform theory. If I am asked for instance, why 658 is a more proper number of members than 657 or 659?—I confess myself at a loss to answer the question. It is the collective character of the House which I regard; and I maintain that in its aggregate capacity, and in its general operation, it faithfully represents not only the general interests of the kingdom, but the particular interests of every assignable portion of it: and that it follows, not precipitately, but deliberately and considerately, the real wishes, opinions, and feelings, of the people.

The gentlemen who oppose the government, contend indeed on all occasions, that they are right, and that ministers are wrong; and that the House of Commons, agreeing with the ministers, are therefore wrong with them, and ought, like them, to be sent about their business. But this is mere assertion; and is, in truth, a very short way of disposing of a very complicated question. Do those gentlemen who are in a minority in this House, find themselves in a majority in the country? They will not say so; they cannot think so. Take, for example, the question of the late war. Have they any doubt that, through the whole course of that war (to

* Mr. Tierney, sir James Mackintosh, Mr. J. P. Grant, Mr. Brougham, Mr. Scarlett, &c., are among the representatives for the boroughs enumerated by Mr. Canning.

which they now, by the way, attribute all our distresses,) a majority—an immense majority—of the nation were of the same way of thinking with the majorities of the two Houses of Parliament? Do they doubt that, in that glorious war, in which England saved Europe, and with Europe saved herself, her government was enabled to effect these mighty purposes, not only by a confiding parliament, but by a concurring people? To say that such a war was, or could be, carried on in contradiction to the wishes of the country—that it was a war against the people,—is absurd. A war of twenty years! accompanied with privations and sacrifices never before heard of! and all cheerfully borne by a people, reluctant and unconsenting, insensible to the demands of their own security, and deaf to the shouts of triumphant valour!—borne, too, without murmur or remonstrance!—the statement refutes itself. Gentlemen know that it does so. They know that the war was undertaken for the destruction of tyranny, and for the vindication of the liberties of mankind. They know that the glory acquired to England, and the interest felt in that glory by the people of England, were as great as the majorities in parliament were overwhelming; and they know that those parliamentary majorities were but the express image of the sentiments of the nation.

There is another consideration which induces me to distrust the hon. baronet's assumption of a general popularity for the doctrines of which he is the champion. It is, that this question of parliamentary reform is never eagerly agitated, unless when some poignant, though passing difficulties assail the country. This was notoriously the case at the first promulgation of the doctrines of reform, towards the end of the American war. It was the case in 1793, when the desolating principles of the French revolution and its tremendous military successes disquieted sober minds with an apprehension of ruin to the kingdom. It was the case in 1797, at the period of the mutiny at the Nore; and again in 1798, during the height of the disturbances in Ireland. In 1810 and 1812, the question of reform was indeed brought forward, but without exciting much interest or receiving any material support either within doors or without; and from the latter period it slept until the year before last, when the hon. baronet burst upon us with the elaborate plan of major Cartwright. To that admirable system, and to the peculiar doctrines of that patriarch of reform, I consider the hon. baronet as inviolably pledged. He is the undoubted and sole heir of the venerable major. I hope, that when that system and those doctrines shall descend to him by right of inheritance, he will enjoy them to as full a maturity of age and intellect as his predecessor; and that he will finally hand them down unimpaired to some successor equally gifted with himself, but doomed to be, equally with himself, unsupported and hopeless in the prosecution of them.

Beside this plan of the hon. baronet, I am not aware of any specific proposition for reform now before the public—except the threatened one, from the other side of the House, for shortening the duration of parliaments. It is now, Sir, about one hundred years since the Whigs made parliaments septennial from triennial. During the first half century after that change they monopolized the administration of the government. So far, all went well. But for nearly the whole of the last fifty years, the Whigs have been out of office. Are they anxious to try whether they may better their chance by undoing the work of their own hands, and returning to triennial parliaments?

Now, Sir, as to triennial parliaments, I confess I object to them—anti-reformer as I am:—but if I were a radical reformer, I should object to them infinitely more. On my own part I object to them for all the reasons so often urged in debate against the repeal of the Septennial act, in the course of the twenty years that followed its enactment; reasons, I admit, of expediency rather than of principle. But as a reformer, I should reject with indignation an attempt to delude me with a specious appearance of regeneration; calculated to aggravate in effect that very inequality of representation of which the reformers particularly complain. The objects of their strongest antipathy we know are the close boroughs, in defence of which I have ventured to say a few unpopular words: they hold it an abomination, that Tavistock should return by nomination as many members as York or Bristol or Liverpool by free election. But what could so much enhance the advantage of Tavistock over York, or Bristol, or Liverpool, as increasing the frequency of elections? The trouble, the anxiety, the expense—the lawful expense, I mean—of a contested election for a populous

place, are no light matter: while the quiet sitter for a close borough may be returned by the dash of a pen, without moving out of his easy chair. This takes place now, once in seven, or, as is the practice, once in about six years; make it to happen once in three years;—you double the disadvantage against the popular representative;—and then have the assurance to call this a reform!

But let not gentlemen deceive themselves with a fond expectation, that dexterous contrivances such as these, or that any palliatives, however specious, can amuse the real reformers. It is not with such sacrifices that you can gorge and satisfy the all-devouring monster of radical reform. No, no, no. The reformers mean, and they demand, a strict personal representation; they mean and they demand a direct expression of the people's will.

I can only say, that *if* government be a matter of will (I thought it had been matter of reason and convention), and if the will of the whole nation be once fully represented—these two premises being assumed—the conclusion that follows from them is to my mind inevitable: it is shortly and plainly this, that the assembly so fully representing the national will, must be, and in sound logic ought to be, the whole government. There is no room, no pretence for any other power in the state. Kings and Lords are useless incumbrances; and such a House of Commons all in all.

Such, I say, is the logical, the necessary, the unavoidable inference from the premises, once admitted, of the hon. baronet and the radical reformers. I content myself for the present with merely stating them, not presuming to find fault with them, nor proceeding to argue them on this occasion. Opportunities will probably occur for that purpose. I should not even have touched upon the subject of parliamentary reform to-night, had it not been for the taunting invitation of the right hon. gentleman, and the solemn admonition of the hon. baronet. But, so called upon, I could not decline stating my opinions, without appearing to shrink from them. I do not shrink from them. I have stated them, I hope, intelligibly; I am sure without any reserve.

Other warnings are addressed, not to me only, but to the House, as to the lessons to be learned from the French revolution. Undoubtedly these two lessons are to be learned from the French revolution: first, that proper changes ought not be delayed too long; secondly, that precipitate changes are subversive of the peace and order and happiness of nations. But can any man look to the history of the ill-fated Louis 16th, and say, that it was his obstinate adherence to the rights of the throne which he inherited, that imbittered the last years of his reign, and finally led him to the scaffold? Can any man seriously contemplate the course of events which brought that monarchy to ruin, without trembling at the consequences of a too obsequious subservience to temporary popularity?—without perceiving how easy and how dangerous is the mistake of sacrificing the interests of a whole community to the clamours of a discontented few? Let not then the lessons of the French revolution be lost upon us! When our ears are assailed by clamour for change, let us not be unmindful of the silent apprehensions, the confiding patience of that large portion of the community whom these clamours distract and appal! Let us not mistake their silence for acquiescence; nor their confidence for carelessness! The feeling of alarm is deep, and general, and just. The persons, whose machinations are the subject of this debate, and the cause of our being called together at this season, are valueless as motes in the sun-beam, compared with the loyal, quiet, unmurmuring millions, who look up to Parliament for protection. Let them not look up to you in vain! Let not the claims, and the welfare of those millions,—of the loyal and the good, of the peaceful and the pious,—be disregarded by the House, in deliberating upon the measures which are necessary for the safety of the country.—"*Vos ne populo Romano deese videamini "providete! Obsessa fascibus et telis "impiæ conjurationis vobis supplex manus "tendit patria communis. Vobis se, vobis "vitam omnium civium, vobis arcem et "capitolium, vobis aras penatium, vobis "muros atque urbis tecta, vobis templa "deorum atque delubra commendat.*"

Mr. *Brougham* said, he was sure the House would, on this occasion, exercise towards him that candour and liberality which he had so often experienced, but of which he then stood so particularly in need. At that late hour of the evening, after the able and entertaining speech which they had just heard—considering the length, he would not say the excessive length of that speech—he felt that

he could not trespass upon the House for any considerable time; but he could not, consistently with his duty to the country, to his constituents, or to his own feelings, refrain from declaring his opinions on this question. He was fully aware of the truth of the right hon. gentleman's prediction, that the advocates of inquiry would be found in a minority: he was aware that he was, on that occasion, addressing an assembly, the majority of which entertained strong impressions against that side of the question which he conscientiously advocated. He trusted, however, that he would be allowed to follow the arguments used by the right hon. gentleman, and the other gentlemen who opposed the amendment. He fully concurred in the eloquent eulogium pronounced by the right hon. gentleman upon the incalculable, the hardly to be expressed, value of our magistracy, who not only acted gratuitously, with a few exceptions, in Manchester, but were frequently exposed to the discharge of disagreeable functions, and, in some instances, even to the risk of their lives in the public service. For this reason it was that the law had fenced them round with a threefold fence in the discharge of those duties. He therefore lamented, as sincerely as any man could do, that any transaction should take place which could throw a stigma on so respectable a body. He lamented it the more, as it was to the constitutional discharge of the duties of that magistracy that the people were to look up for the preservation of tranquillity. It was their only source of assistance, save the introduction of the military. He should lament deeply the result of the transactions under discussion, if the magistrates implicated were not in this instance separated from the general body. If the proposed inquiry were granted, it would have the effect of separating the wrong-doers, if so they should be proved to be, from that honourable body. If the inquiry were granted, the guilt, the indiscretion, the too great vigour, or the errors of the accused, would be made to appear: if it was refused, the House might rely upon it, it would fall on the whole body. If the impression remained, if it should be believed, that the course of justice was impeded, that undue powers were apt to be exercised, that undue stretches of official power were practised, that military force was applied at the pleasure of men in office, then the catastrophe was consummated, and he must join in deploring, that the confidence of the country in the magistracy must be shaken.

He would now advert to the observations on the Yorkshire meeting. The right hon. gentleman and the noble lord had said that there had been a compromise between the Whigs, with earl Fitzwilliam at their head, and on the other, those whom the right hon. gentleman, (forgetting his promised and original abstinence), called White Hats. This agreement was said to be novel, unconstitutional, curious and inconsistent with the character of earl Fitzwilliam and with the amendment now proposed. They, indeed, were all anxious that a supposed encroachment on the constitution should be specially investigated, and that redress should be given, if that were required. At the meeting there was an agreement in referring the subject to parliament for inquiry and redress. Parliamentary reform, which had no more to do with the object of the meeting than tithes or the poor-rates, and on which they did not agree, was by consent excluded from consideration. The right hon. gentleman was naturally much offended that they had acted so wisely, and followed his own example, who, however, generally sailed much nearer the wind [a laugh.] Hence, all his jokes and gibes; because the points on which they differed had nothing to do with the purpose of the meeting, and those on which they agreed were its sole object, and contained in the requisition. This was the head and front of lord Fitzwilliam's offending. This was the conspiracy of which his lordship and his friends were accused—a conspiracy, he knew not for what—to resist government. The evidence of this charge was the inferences drawn in a newspaper from their speeches. Because Mr. Wooler inferred from lord Milton's speech that he was for reform, and from Mr. Dundas's that he recommended resistance, they all acted unconstitutionally in attending the meeting! He and the right hon. gentleman had been fellow candidates at an election, where the right hon. gentleman had conspired most unconstitutionally with great numbers, according to these principles. He entered into a compromise with notorious traffickers in slaves; with these men he stood, "from early dawn to dewy eve," as near as he (Mr. Brougham) was to his hon. friend. With these respect-

able persons, the right hon. gentleman had stood speaking with them, speaking for them, and acting with them, because they agreed as to his election [loud cheers]; but they were as different in their sentiments, at least on the abolition of the slave trade, as it was possible. If he were, therefore, to charge the right hon. gentleman with a conspiracy to revive the slave trade, he would be guilty of as great misrepresentation as Mr. Wooler. The right hon. gentleman, who had not been in the country at the time, and had received his information, perhaps, through several gradations, supplied, as was usual, by ingenuity and fancy, his want of information. This accounted for his gross misrepresentation of what passed at the meeting. He alluded particularly to his statement, that the noble member for Yorkshire stood in trembling suspense; he hoped his noble friend was in the House to hear his faithful report of the expression used—"That lord Milton and earl Fitzwilliam stood in trembling suspense for a hearing, to be procured by the rabble radicals brought from Leeds." Persons of as acute observation as were in the country, and unconnected with the class alluded to, had described to him the veneration, the quiet and respectful attention, with which the noble lord and his venerable father were listened to, even by the humblest persons present.

Having disposed of this part, he had exhausted a considerable portion of the right hon. gentleman's speech. As to the legality or illegality of the meeting, no opinion was given upon his side of the House, because it depended upon facts to be established in evidence. The right hon. gentleman and the noble lord had brought forward no documents which supported their statements. He lamented that the hon. and learned member for Dublin had forgotten what he had so wisely and eloquently urged respecting Ireland—that coercion, if used at all, should be the last means used, and conciliation should be the first; and that he had made use of his convenient *ifs*, excited his regret, and would be heard with astonishment and grief in his own country, as well as in this. The right hon. gentleman had forgotten a "fundamental feature," according to the noble lord, namely, that there had been no stones on the field in the morning, and that two cart loads were, after the meeting, carried off the ground. Let this be inquired into, and, if proved, it would go far to decide the character of the meeting. The right hon. gentleman had been absent, and had learnt the nature of the transactions from a file of newspapers put at once into his hands. This was unfortunate, for the right hon. member had made his extracts very incorrectly. For instance, the extract from the speech at York was incorrect. It omitted, not from design but very conveniently, the words respecting the legality of the Manchester meeting—"As far as hitherto appeared." The legality was spoken of with similar caution at Cumberland and Westmoreland. All that was said was, that it was *prima facie* legal, and that inquiry should be made whether it was legal or not. The right hon. gentleman had replied to the hon. baronet (sir F. Burdett) only by old worn-out and stale remarks on parliamentary reform, and had left untouched a speech which must live in their recollection as the most consoling, able, wise, and, for practical effect in preserving the peace and inducing the deluded portion of the people to return to the exercise of good sense, the most useful speech ever heard within those walls. It was more convenient to quit that speech than to answer it, and to bring forward statements which had not been found in any arguments in that House, and which might have perished with the columns in which they appeared, as far as he knew. But he would show the substantial correctness of the facts which had been triumphantly urged as misrepresentations. The hon. member for Norfolk (Mr. Coke) had said, that major Cochrane had interfered to prevent a woman and child from being sabred. Major Cochrane had pointed out some inaccuracy in this. Upon which much sarcasm was thrown out against the statement. But major Cochrane did not deny that a woman and a child had been sabred. This had never been denied. and he pledged himself to prove it true if the House would give him leave. It was also true, that major Cochrane had interfered in another part of the field, to prevent the yeomen from attacking the mob who were attempting to escape. Next came the statement of the hon. member for York (Mr. Dundas), who had said, that the sabres had been sharpened with a view to the meeting, and had afterwards with excessive candour, on the safest side to err on, contradicted that observation. The inference drawn from this circumstance

was, that newspapers were not to be believed, and that public meetings were instruments of deception. But the sabres were, in fact, sharpened.

Mr. *Dundas* here begged to state, in order to prevent further misrepresentation from going forth to the public, that the swords had not been sharpened for the purpose of the meeting: the swords had been sent to the cutler, but it was in the usual course.

Mr. *Brougham.*—If his hon. friend had allowed him to proceed, he would have saved him the trouble of making the observations he had made. He meant to say, that the statement in evidence before the coroner's inquest was, that the swords had been sharpened with a view to that particular day [a laugh from the ministerial side]. He hoped the House knew knew him too well to suppose that he would shelter himself under a quibble which was evidently imputed to him. The swords had been sent to be sharpened before the meeting, as appeared in evidence. They had been so sent some few days before the meeting was called, and after the intention of calling it was formed. The magistrates and yeomen were aware of this intention, and in consequence sent the swords to be sharpened. The conclusion was drawn from the knowledge of the intention with which the magistrates were fixed. Another ground of that inference was, that no such usage did in fact prevail; and that with respect to a corps which had existed so short a time, to talk of usage was an abuse of terms. He did not shrink, therefore, from the conclusion, that the swords were sharpened for the purpose. If he was in error, he desired to have his error corrected; but let that correction be the result of inquiry. But if errors ten thousand times more numerous could be detected, it was nothing to the purpose. Some errors and some falsehoods must always appear on questions always discussed, thank God, with so much interest by the people of this country. Granting, for a moment, that the Manchester meeting was illegal, there still remained that important question—were no illegal means used in its dispersion? We knew it was held by an hon. gentleman opposite, that an illegal meeting might be dispersed by means equally illegal. For this, no doubt, he would plead authorities; but was it meant to be contended, that the functions of that House, admitted, as it was, to be the grand inquest of the country, were so widely different, so essentially distinct from its other privileges, that they would exist at all times without the one interfering with the other?

In regard to the important interests concerned in the decision of that question, he would ask, supposing it was represented that from many motives and feelings, there was a slowness in bringing these men to account; that one party had not pecuniary means, or having, misapplied them (and indeed the noble lord had in his speech almost supposed the second of these positions, and the fact of that position led him (Mr. Brougham) to assume the first);—the noble lord considering these as the two parties interested in this great and serious question, he would ask, whether there was not a third party who had received and sustained damage by the conduct of these magistrates—the public of this country [Hear, hear!]? As to the clamour which had been raised against extra-judicial proceedings, when that House directed any man to be prosecuted by the attorney-general, was it ever seriously debated whether his crime was one cognizable by law or not? Did they stop to ask such a question in the cases of Mr. Swan, of sir M. Lopez, of Mr. Reeves, or Mr. Stockdale, or of lord Melville? He could not but express his disappointment at the opinions expressed on this subject by several of his hon. friends, for whom he entertained the highest respect, and particularly at the opinion expressed by his hon. and learned friend the member for Montgomeryshire (Mr. Wynn,) a man learned beyond all others in the history of that assembly, whose privileges he (Mr. B.) was endeavouring to support—skilled beyond all men—deeper than all the children of men—in the knowledge of the voluminous records of parliamentary precedents—a man who was even supposed by most people to know the whole of the journals of the House by heart; who devoted to their study the light of day and the midnight oil; whose accuracy in every thing connected with parliament was so rigid, that many persons imagined he really came down to the House every morning at ten o'clock, the hour at which the House ought to assemble, according to the strict letter of the adjournment [a laugh]—in short, a man whose devotion in this respect could only be equalled by that of a learned ancestor of his, who

having fainted from excessive toil and fatigue, a smelling bottle was called for, but one who knew much better the remedy adapted to the case of that gentleman, exclaimed, "For God's sake bring him an act of parliament, and let him smell at that" [a laugh]. He could not help thinking in like manner, that in case his hon. and learned friend should ever be attacked in a similar way, the mere smelling of a volume of the journals could not fail instantly to revive him. He was astonished that his hon. and learned friend should contend that the inquiry now called for could not with propriety be entered on by parliament, and was unwarranted by the practice of parliament, when there were so many precedents on the journals proving directly the contrary of this. Here the hon. and learned gentleman alluded to several cases, and dwelt particularly on that of the duke of Buckingham, in which, after most elaborate arguments by the great lawyer of that day, the predecessor of his hon. and learned friend (Mr. Wynn), in antiquarian and constitutional knowledge, it was decided that even common fame might be a ground for a parliamentary impeachment.

Great stress had been laid on the injustice and cruelty of sending any one to trial, with the weight of the opinion of that House operating against him. But if he knew any thing of the people of this country, the opinion of that House would, so far from operating unfavourably against any individual on his trial, be productive of an effect directly the reverse, and would excite in his favour sentiments of pity and commiseration. And, what was the fact? It had happened, fortunately for his argument, that in almost every instance the individuals ordered for prosecution by that House had been acquitted; and in the very last case of the kind, that of Mr. Swan, he was acquitted on all the points on which he was ordered to be prosecuted by the House, though he was convicted on another point. But the inquiry became necessary for another important reason. Admitting, for the sake of argument, that the meeting was illegal—though he begged to be understood as having yet neither heard nor seen any thing to satisfy him that it was illegal—and supposing that the conduct of the magistrates was strictly warranted by law, still the manner in which they exercised the discretionary powers with which they were vested by law, might be a fair subject for a parliamentary inquiry. We know that a serious and alarming affray took place, in which several of his majesty's subjects lost their lives, and great numbers were maimed and mutilated. An hon. magistrate (Mr. Wilbraham) had said, that the whole number of persons taken to the infirmary at Manchester, in consequence of injuries received by them on the 16th, amounted only to twenty-six. But with all deference to the hon. gentleman, he had received information from a magistrate who was possessed of a correct knowledge on this subject, and who could not possibly be mistaken, that the number of wounded persons taken to the infirmary amounted to fifty-six. But this formed a very small proportion of the persons injured on that day. It was well known that a great prejudice existed in the north against hospitals (a ridiculous prejudice, no doubt), and that people chose rather to resort to bone-setters and persons of a similar description, when in want of medical assistance. Comparatively few of the persons who suffered on the 16th, were taken to the infirmary. John Lees, for instance, on whom the inquest was held at Oldham, was not taken to the infirmary. He knew, from persons who from motives of charity, and totally uninfluenced by party motives had made it their business to visit the persons who suffered on the 16th, that the number of wounded persons amounted at least to 400. Some of these persons made the number amount to 500 and upwards, and the lowest amount was 400. Now it so happened, that at all the other meetings where a different course had been pursued, no accident whatever had taken place. The meeting at Birmingham, when a Legislatorial Attorney to that House was elected, had an illegal object in view, and was certainly much more calculated to excite alarm than the meeting at Manchester, but even there the people had been allowed to disperse peaceably. At Manchester only, where a different course had been pursued, the most disastrous and deplorable consequences had ensued.

The remedies now proposed to meet the disaffection which existed in the country would, he was convinced, be found altogether inadequate. The most extravagant notions, no doubt prevailed with respect to parliamentary reform; but if they wished to put a stop to the

spread of these doctrines, instead of enacting laws of severity, and imposing restrictions on the liberty of the subject, they would proceed to remedy those grievances of which the country had to complain, and particularly reform those glaring abuses in the representation of the House, which were so generally lamented. He had always advocated parliamentary reform, and it was only by a wise and temperate reform that they could allay the discontent of the country. He lamented as much as any man the circulation of blasphemous and seditious publications, and he therefore rejoiced at the result of some recent trials, by which it was proved that the laws of the country, when enforced, were sufficient for the repression of blasphemy and sedition. The manner in which the law had been administered on those occasions, reflected eternal honour on the learned judge who presided, and would, in his opinion, be sufficient to bring out the character of the country more pure than before. The law there had been found sufficient to assert its own force; and he considered that if sedition or treason existed, it would be also found strong enough to put them down. If it should not be so, he could only attribute it to the circumstance of its not having been hitherto administered with a steady hand. It was now too late to complain of the licentiousness of the press—too late to complain of the gross and disgusting passages which were sent before the public, and which he lamented as much as any man. He, too, had to complain of the existence of such abuses, but from a different cause; for it seemed as if the abuse and licentiousness of the press had been fostered, in order to give some colourable ground for an attack upon its liberty. What he had to complain of, and did complain of, was, that in the last three years, without an attempt at prosecution, a mass of the grossest and most criminal matter had been launched forth to the public with which ever society had been visited. In some of those writings assassination had been inculcated, forgery defended, and almost every act which could violate allegiance, encouraged. He had within the last two hours read some parts of a newspaper, published in 1817, in which it was said, that the House of Commons was an imposture, the House of Lords an imposture, and the king equally an imposture, and that they were only supported in the oppression of the people by the influence of 300,000 bayonets. It was added, that the office of the king was a sinecure, and ought like others to be abolished. The sovereign was then addressed in a coarse and familiar way, and asked, what it was he did for the money which he received from the public. The speech which Oliver Cromwell had addressed to the parliament, when he ordered what he termed "that bauble" (the Speaker's mace) to be removed, was then repeated to him, and he was advised to imitate it. This he had seen in a newspaper published two years and a half ago, and he had not learned that it had been attempted to prosecute it. There was besides this a sort of catechism in which murder and high-treason were treated as innocent and justifiable acts. It was asked "Was high treason a crime?" To which the answer was, "Not always." Another question was, "When is high treason a crime?" and the answer was, "When a subject ascends the throne by the choice of the people, then to put that man to death would be a crime, because there would be a loss of a good man to the people." But (continued Mr. Brougham) the writer of the catechism went on, and said, that when a man receives the throne as an hereditary right, then it would not be a crime even if the man were a good and efficient sovereign. Who then were to blame, if the press was licentious, but they who had not taken any steps to correct it by the proper application of those remedies which the laws prescribed? He thanked the House for their indulgence. His remarks were sincere; and he hoped they would be received as coming from one who would rather be the victim of anarchy than survive the constitution of his country.

The question being put, That the words proposed by Mr. Tierney be added to the said Address, the House divided:

| | |
|---|---|
| Ayes | 150 |
| Noes | 381 |
| Majority | 231 |

The main question was then put, and agreed to; and at five o'clock in the morning the House adjourned.

*List of the Minority.*

| | |
|---|---|
| Abercromby, hon. J. | Anson, hon. G. |
| Allen, J. H. | Aubrey, sir John |
| Althorp, Viscount | Benett, John |

Barham, J. F.
Baring, sir Thos.
Baring, Alex.
Barnett, James
Becher, W. W.
Bennet, hon. H. G.
Benyon, Benjamin
Bernal, Ralph
Birch, Joseph
Brougham, Henry
Browne, Dom.
Burrell, hon. P. D.
Burdett, sir F.
Byng, G.
Calcraft, John
Calvert, N.
Calvert, C.
Campbell, hon. J.
Carter, John
Cavendish, lord G.
Cavendish, Henry
Clifford, capt.
Clifton, viscount
Coffin, sir Isaac
Colborne, N. R.
Coke, Thomas
Coke, T. W. jun.
Concannon, Lucius
Coussmaker, W. G.
Crespigny, sir W. de
Crompton, S.
Curwen, J. C.
Chamberlayne, W.
Davies, J. H.
Denman, Thos.
Denison, W. J.
Duncannon, visct.
Dundas, hon. L.
Dundas, hon. G.
Dundas, Thos.
Dundas, Charles
Ebrington, visct.
Ellice, E.
Euston, earl of
Fazakerley, N.
Fellowes, hon. N.
Fergusson, sir R. C.
Fitzgerald, lord W.
Fitzroy, lord C.
Foley, Thomas
Folkestone, visct.
Gaskell, Benj.
Grant, J. P.
Gordon, Robt.
Graham, Sandford
Graham, J. R. G.
Griffiths, John W.
Guise, sir W.
Gurney, R. H.
Hamilton, lord A.
Harvey, D. W.
Heathcote, sir G.
Hill, lord A.
Honywood, W. P.
Howorth, H.
Hughes, W. L.
Hume, J.
Hurst, Robt.
Hutchinson, hon. C.
Kinnaird, hon. D.
Kennedy, T. F.
Lamb, hon. G.
Lambton, John G.
Latouche, Robt.
Latouche, John
Lemon, sir W.
Lloyd, sir E.
Longman, Geo.
Macleod, Rod.
Maberly, John
Macdonald, James
Maberly, W. L.
Mackintosh, sir J.
Madocks, W. A.
Martin, John
Maule, hon. W.
Merest, W.
Mills, George
Milton, visct.
Monck, sir C.
Moore, Peter
Mostyn, sir Thos.
Newman, R. W.
Neville, hon. R.
O'Callaghan, J.
Ord, W.
Osborne, lord F.
Palmer, C. F.
Pares, Thos.
Parnell, sir H.
Parnell, Wm.
Peirse, Henry
Pelham, hon. G. A.
Pelham, hon. C. A.
Philips, George
Powlett, hon. W.
Prittie, hon. F.
Primrose, hon. F.
Price, Robt.
Pringle, J.
Ricardo, David
Ramsden, J. C.
Rancliffe, Lord
Ridley, sir M. W.
Robarts, W. T.
Robarts, A.
Rowley, sir W.
Russell, lord G. W.
Russell, lord John
Rumbold, C.
Rickford, Wm.
Scarlett, James
Scudamore, R. P.
Sefton, earl of
Smith, hon. R.
Smith, W.
Smyth, J. H.
Spencer, lord R.
Stewart, W.
Stanley, lord
Talbot, R. W.
Taylor, M. A.
Thorp, ald.
Tierney, rt. hon. G.
Webster, sir G.
Waithman, Robt.
Walpole, hon. G.
Webbe, Ed.
Wharton, John
Whitbread, W. H.
Wilkins, Walter
Williams, Wm.
Wilson, Sir Robt.
Wood, Matthew

TELLERS.

Tavistock, marquis of
Nugent, lord

PAIRED OFF.

White Luke

PAPERS RELATIVE TO THE INTERNAL STATE OF THE COUNTRY.] The following Papers were presented to both Houses of Parliament, by command of the Prince Regent:

PAPERS RELATIVE TO THE INTERNAL STATE OF THE COUNTRY.

No. 1.—EXTRACT of a Letter from five Magistrates of Lancashire to Lord Sidmouth; dated, New Bailey Court House, Salford, 1st July 1819.

My Lord;—As magistrates of this district we feel ourselves called upon to communicate to your lordship, our impressions upon the present state of affairs within the reach of our observation. We are far from wishing to yield to unnecessary alarm; but when we entertain serious apprehensions, we cannot refrain from making them known to your lordship.—We feel a difficulty in stating to your lordship, any specific facts upon which legal responsibility will attach to any particular individuals at present; but upon the general view of the subject, we cannot have a doubt that some alarming insurrection is in contemplation.—Of the deep distresses of the manufacturing classes of this extensive population your lordship is fully apprised, and the disaffected and ill-disposed lose no opportunity of instilling the worst principles into the unhappy sufferers in these times, attributing their calamities not to any event which cannot be controlled, but to the general measures of government and parliament; and when the people are oppressed with hunger, we do not wonder at their giving ear to any doctrines which they are told will redress their grievances.—Although we cannot but applaud the hitherto peaceable demeanour of many of the labouring classes, yet we do not calculate upon their remaining unmoved. Urged on by the harangues of a few desperate demagogues, we anticipate at no distant period, a general rising; and possessing no power to prevent the meetings which are weekly held, we, as magistrates, are at a loss how to stem the influence of the dangerous and seditious doctrines which are continually disseminated. To these meetings and the unbounded liberty of the press, we refer the principal weight of the evil which we apprehend.—We believe, on Monday next, a meeting will be held at Blackburn, and on the following Monday at Manchester, at both of which sir Charles Wolseley is to pre-

side. As the law now stands we cannot interfere with these meetings, notwithstanding our decided conviction of their mischief and danger. We are most anxious to do every thing in our power to preserve the peace of the country, but upon this most important point we are unarmed. We have the honour to be, &c. J. Silvester, R. Wright, W. Marriot, C. W. Ethelston, J. Norris.

No. 2.—Extract of a Letter from Mr. Spooner, a Magistrate of Manchester, to Lord Sidmouth; dated, Birmingham, July 5th, 1819.

My Lord;—I have the honour to enclose, for your lordship's information, the copy of an advertisement circulated throughout the town of Birmingham, calling for a public meeting on Monday next. Your lordship will not fail to observe the day and the hour fixed for this meeting, both of which are well calculated for the collection of a crowd of persons, many of whom will be fast approaching to a state of intoxication, and therefore more easily inflamed to acts of violence, by the speeches which will no doubt be addressed to them. I am informed that applications have been made to sir Charles Wolseley to preside, and to Wooler, Johnson, and others to attend. I have &c. Isaac Spooner.

No. 3.—Town's Meeting.

On Monday, July 12th, a meeting of the inhabitants of Birmingham will take place at three o'clock in the afternoon, at the New Hall Hill, for the purpose of considering of the best means of obtaining the representation of the people of Birmingham in parliament, and also the representation of all the unrepresented inhabitants of the empire. Signed on behalf of the Requisitionists, July 3rd, 1819. George Edmonds.

No. 4.—Resolutions at the Quarter Sessions for the County of Chester.

At the General Quarter Sessions of the Peace of our Lord the King, held at Nether Knutsford, in and for the County of Chester, on Tuesday the 13th of July, 1819.—Present, The Earl of Stamford and Warrington, his Majesty's Lieutenant. Sir John Thomas Stanley, Bart.; Sir Henry Mainwaring Mainwaring, Bart.; Trafford Trafford, Edwin Corbett, Thomas William Tatton, John Ford, John Glegg, Wilbraham Egerton, Thomas Bayley Hall, Egerton Leigh, Edward Venables Townsend, Peter Marsland, Nathaniel Makey Pattison, Ralph Wright, Edward Tomkinson, John Hoskin Harper, Esquires; the Rev. Charles Prescott, John Browne, John H. Mallory, and James Thomas Law, Clerks.—A letter from Lord Sidmouth, his Majesty's Principal Secretary of State for the Home Department, to the Lord Lieutenant of this county, as to the preservation of the public tranquillity, having been laid before this Court. It is Resolved;

That we, the acting magistrates for the county of Chester, will, both in our public and private capacities, do our utmost to further the views of his Majesty's government, in preserving the peace and good order of the coutry.—That it appears that various public meetings have lately been held in this and the neighbouring counties, at which evil-disposed and designing persons, taking advantage of the depression of trade and the consequent distress, have wickedly disseminated inflammatory doctrines; and, under the false pretext of Parliamentary Reform, have vilified the constituted authorities, inciting thereby the ignorant and unwary to insurrection and the commission of crimes, which may endanger their personal liberty and lives.—That we therefore conceive it to be our duty, as it is also our determination, to counteract, to the utmost of our power, all such designs; and we do most earnestly recommend to all the friends of our King and Constitution, as by law established, to rally round the standard of legal authority, and, by the manifestation of their principles, destroy the baneful effects of blasphemous and seditious doctrines, reclaim the deluded, give confidence to the loyal, and maintain inviolate our rights, our liberty and our laws.—And we further recommend, that all well-disposed individuals be invited to declare their willingness to come forward in support of the civil power; and if necessary, to form voluntary associations for the preservation of the public tranquillity.—And we further recommend the magistrates at their several Petty Sessions, in cases of emergency, to appoint such number of the well-disposed inhabitants in their districts to be special constables, as to them shall seem necessary for the preservation of the peace.

Resolved;—That the magistrates acting for the hundred of Macclesfield, be requested to obtain all the information in their power, as to the proceedings of the disaffected in that district; and that this Court do adjourn to an early day for the purpose of receiving their reports, and adopting such further measures as circumstances may require: That it be recommended to the magistrates in the hundreds of Bucklow and Macclesfield, to act on the present occasion as far as possible in concert with the magistrates of the county of Lancaster: That these Resolutions be inserted in all the public papers published within this county: That these Resolutions be signed by the lord lieutenant, on behalf of the meeting.

(Signed) Stamford and Warrington, Lieutenant.

No. 5.—Letter from Mr. Spooner to Lord Sidmouth; dated Birmingham, July 13, 1819.

My Lord; I have great satisfaction in making known to you, that the meeting held in

this place yesterday evening, was not attended with any breach of the peace, and that the whole assemblage had quietly dispersed before seven o'clock. It may not, however, be unacceptable to your lordship to be acquainted with some small detail of the proceedings, as reported to me by various persons employed for that purpose. An attempt was first made to collect a crowd, by a miserable procession (as it was called) of major Cartwright, Wooler, and Edmonds, in a street chariot, carrying two flags; they were also accompanied by one Maddocks, whose father was executed at Warwick some years since upon a Bank prosecution, and whose brother is now transported under a similar conviction. Sir Charles Wolseley was not present, having excused himself on account of the death of a near relation. The chair was taken by Edmonds; and the only speakers were Edmonds, Maddocks, Wooler, major Cartwright, and one Lewis, who had attended sir C. Wolseley at Stockport. The proceedings were confined to certain resolutions expressive of the want of reform in the representation of the people; a remonstrance founded on those resolutions, and addressed (I believe, to the Speaker of the House of Commons; an election of sir Charles Wolseley to be *Legislatorial Attorney* of the people of Birmingham in parliament, for one year, *if so long he executed his trust faithfully;* an exhortation to this gentleman to be at his post on the opening of the next session of parliament and instructions to him how to proceed. All these, I presume, will be printed, when your lordship shall be furnished with a copy. The language held out in the speeches was of a very different kind from that which we understood to have been used at the meetings to the northward, which appears sufficiently to prove the knowledge of the speakers, that their audience, on this occasion were not prepared to bear that language, or to support those who might make use of it. The most violent speaker was Lewis; the tenor of all the speeches was, abuse of the body *calling itself* the House of Commons, and abuse of some individuals amongst his majesty's ministers.—The crowd assembled has been variously estimated, from 10,000 to 25,000 persons; of these, however, a great proportion were women and children. The nature of the ground is such, being two sides of an amphitheatre, rising to a considerable height, that it is almost impossible for a person in the crowd to form any estimate of numbers. Lord Aylesford and myself, who could survey the whole assemblage from the roof of an adjoining house, had formed our own opinion, that the number could not exceed 10,000. This meeting seems to afford good ground of conclusion, that the first open acts of violence to which the populace are to be instigated, will not take place in this immediate neighbourhood.—It is, however (to use the language of this Lewis), "one blow to the existing system;" and I presume the next meeting called here will be to receive the report of what occurs upon sir Charles Wolseley offering to take his seat, if he is wild enough so far to fall into their plans.—After the meeting a small party of the principal performers and their adherents adjourned to a low public-house to pass the evening, but I have not heard what occurred there.—I had the greatest satisfaction in lord Aylesford's attendance here, both in his assistance as a magistrate, and from his being on the spot to issue the necessary orders for the assembling of the yeomanry, had any disturbance occurred. His lordship, as well as myself, thought it prudent to remain in the town during the whole night. I have, &c.

ISAAC SPOONER.

No. 6.—LETTER from the Earl of Derby, Lord Lieutenant of Lancashire, to Lord Sidmouth; dated Knowsley, Friday night, July 16, 1819.

My Lord; I have the honour to inform your lordship, that I have this evening had an interview with Mr. Norris, the residing magistrate, and Mr. Moor, the first constable of Manchester, who has communicated to me the enclosed resolutions of a meeting held in that town, with a view to strengthen the civil power; and these gentlemen have at the same time showed me a letter from your lordship's office, giving them reason to believe that the offer of an armed association, if sanctioned by my recommendation, would meet with the approbation of his majesty's government; I therefore lose no time in laying their proposal before your lordship, and adding my strongest conviction that its immediate adoption will be highly conducive to the preservation of the public peace in the district of Manchester and its neighbourhood, and therefore I request your lordship to lay it before the Prince Regent with my recommendation; and that if his royal highness is pleased to approve thereof, you will give immediate directions to the proper officers that the arms and accoutrements necessary to give effect to this plan, may be furnished to the association, with as little delay as possible. On the strength of your lordship's letter, I have ventured to desire I may be furnished with a list of the persons whom it is wished to recommend as officers, and I shall do myself the honour of forwarding it to your lordship as soon as I receive the same, that in case the plan is approved, the same may be put into execution with that promptitude recommended by your lordship, and which I am persuaded the exigency of the case requires.—I have, &c.

DERBY.

No. 7.—RESOLUTIONS inclosed therein.

Manchester Police Office, July 16, 1819.—At a Meeting of the Committee "to Strengthen the Civil Power," John Bradshaw, esq. in the Chair, the following Resolutions were passed unanimously:

That government having signified their approbation of an armed association, an offer be immediately made by this committee, through the medium of the lord lieutenant of this county of an armed association in aid of the civil power, and for the protection of the towns of Manchester and Salford, and their immediate neighbourhood; and that government be requested for the present to furnish arms and accoutrements for one thousand men.—That this committee do not conceive that any uniform will be necessary for such armed association.—That it is on every account desirable that the least possible sacrifice of time should be required in drilling, as it is considered only necessary that the most simple parts of military discipline should be acquired by such association.—That a deputation, consisting of Mr. Norris, the resident magistrate, and Mr. Moor, the first constable of Manchester, do immediately wait upon the lord lieutenant of the county, to communicate the foregoing resolutions, and to take his opinion thereupon.

(Signed) JOHN BRADSHAW, Chairman.

No. 8.—RESOLUTIONS passed at the Meeting held on Hunslet Moor, near Leeds, 19th July, 1819.

Resolved, 1st. That there is no such thing as servitude in nature; and therefore all statutes and enactments that have tendency to injure one part of society for the benefit of the other, is a gross violation of the immutable law of God.—2nd. That as our legislators have, in innumerable instances, manifested a cruel and criminal indifference to our truly distressed situation, and treated our petitions with contempt, we therefore make this solemn appeal to our oppressed fellow-countrymen, praying them to join us in forming a national union, the object of which is to obtain an overwhelming majority of the male population, to present such a petition as can scarcely fail to have the desired effect, and to adopt such other constitutional measures as may be deemed most expedient to procure for us the redress of our manifold grievances.—3rd. That we are perfectly satisfied that our excellent constitution, in its original purity, as it was bequeathed to us by our brave ancestors, is fully adequate to all the purposes of good government; we are therefore determined not to rest satisfied with any thing short of the constitution—the whole constitution—and nothing but the constitution.—4th. That as we are perfectly satisfied that annual parliaments and universal suffrage constitute an essential part of our constitution, and are our rightful inheritance—we shall consider our grievances unredressed, and our indisputable rights withheld from us, until we are possessed of such annual parliament and universal suffrage.—5th. That this meeting cannot but view with regret the apathy of our should-be leaders, that is our men of property, in not supporting our mutual rights, convinced that alienation of the rich from the poor, must, in the end, be the ruin of both; that whenever oppression or despotism militates, or is the ruin of one, it must, in the end, be the destruction of the other; we therefore intreat them, ere it be too late to stand forward and espouse the constitutional rights of the people, by endeavouring to obtain a radical reform in the system of representation, which can alone save the trading and labouring classes from ruin.—6th. That we believe the distresses we now suffer have originated in boroughmongering system, aided by a depreciated paper currency, which has involved the nation in one hundred thousand millions of debt, and which has increased taxation to such an extent as has nearly destroyed our manufactures and commerce; and we are perfectly satisfied that nothing but a currency convertible into specie, a rigid economy, and an equal representation, can either put an end to our sufferings, or save our country from ruin.—7th. That the saving bank scheme, which was instituted under a pretence of benefiting the working classes, when nearly three-fourths of them were out of employ, is an insult to common sense and real understanding, and ought to be considered as what it really is,—an engine to work the last shilling out of the pockets of a few old servants and retired tradesmen, to enable the bank and boroughmongers to pay the fractional parts of the dividends, and to create a sort of lesser fund holders of those who know no better than to make a deposit of their hard earnings to fill the pockets of those who are draining them of their last shilling.—8th. That, as distress has become so general and extensive, we deem it highly necessary, that deputy meetings should be appointed, and out of these deputy meetings, district meetings, to meet at any place that may be thought proper; that these meetings shall extend throughout the three united kingdoms, and that they do consist of men discreet and wise, and out of these shall be appointed men to form a national meeting, that the whole may be brought to one focus, in order that they may devise the best plan of obtaining a radical reform, upon the principle of annual parliaments, universal suffrage, and election by ballot.—9th. That no redress can be obtained but from ourselves; that we amply possess the means; and if we fail to adopt them with vigour, and resolutely persevere therein, we shall merit every privation we may have to endure, and deserve the detestation of posterity, to whom we shall leave a greater legacy of tyranny and oppression than ever was bequeathed from one generation to another.—10th. That should the usurpers of our rights, in order to retain their power, proceed to acts of violence against the people, and even succeed in incarcerating individuals, we earnestly intreat our fellow-countrymen not to suffer their exertions to relax, but, on the contrary, persevere in the steady path of duty,

looking to the end, even the salvation of our country; and our fellow countrymen will endeavour to lighten the fetters, and enliven the dungeons of those men who are now suffering, or may hereafter suffer in the sacred cause of liberty.—11th. That we consider it to be the duty of every well-meaning subject, to stand with all his might against oppression and partial law; in doing which an individual exposes himself to destruction, but if the whole community act as one man, success must be the result.—12th. That every well-wisher to mankind cannot but consider it to be his duty to endeavour, by every means in his power, to work a thorough reformation in the political and moral state of the country; and the surest mean is to lay aside every sordid maxim of avarice, and abandon the restraints of luxury and false ambition, which are at present so fatal to the nation.—13th. That a very small number of men who have guided the councils, and have plundered the people in order to complete their fraud, have hired the offscouring of society to print and publish newspapers, who have nearly succeeded in making thousands who might have been the leaders and friends of the people, believe the present system was for our good, when they were fattening on our property, and reducing all classes of society, till they have at last brought us to a strait from whence there are no issues but through a radical reform.—14th. That the passing of corn laws in opposition to the express will of the people—the Combination act, in order to prevent work people from unitedly attempting to raise their wages in proportion to the advancement of provisions—and the imposing a duty on foreign wool, at a time when the woollen manufacture, and those employed therein, are in the most deplorable condition—appear to this meeting, proof positive, that until the members of the Commons House are really appointed by the people at large, little improvement is to be expected in the circumstances of the people, or diminution of their distress.—15th. That as soon as an eligible person, who will accept the appointment, can be found to represent the unrepresented part of the inhabitants of Leeds, in the House of Commons, another meeting shall be called for the purpose of electing him to that situation.

No. 9.—Address from the Grand Jury of Lancashire, at the Quarter Sessions at Salford, to the Magistrates; dated New Bailey Court House, Manchester, 20th July, 1819.

To the Worshipful the Chairman and Magistrates assembled at the General Quarter Sessions of the Peace for the Hundred of Salford.

The solemn and important duty which we have been called upon to discharge, could not fail to impress most forcibly upon our minds a grateful sense of the blessings which every individual of this nation enjoys under the administration of just and equal laws, and under the protection of a constitution so wisely and so excellently framed; and we feel it incumbent upon us thus openly to express our united concern and abhorrence, when we observe that foul and restless spirit of sedition which has so long been maturing its desperate designs, and has so frequently disturbed the public peace, assuming at the present moment a tone of defiance, and pursuing a system of organization which unquestionably indicate an approaching effort to involve this country in all the horrors of a revolution.—We are fully aware of the alarming crisis at which we are arrived, and anxious that the public should be awakened to a sense of the danger to which they are exposed; we nevertheless feel a strong and well-grounded confidence in the zeal and loyalty of the great body of the people, and in the unanimity with which all good and honest men of every party and persuasion will stand forward in repelling every outrage and violence which may be attempted; and that they will co-operate with the civil authorities, in support of our laws and constitution, in the maintenance of public peace, and for the security of their properties and their lives.—We are well assured that the magistrates and the local authorities of this district will adopt every measure of precaution which their wisdom and experience may judge necessary for the public safety; at the same time we cannot refrain from stating it as our decided opinion, that it is expedient to recommend the immediate establishment of armed associations in these towns, and in the surrounding districts, for the purpose of strengthening and supporting the civil power; and we are persuaded that any recommendation from the magistrates on this subject, will be promptly and most eagerly obeyed.—But whilst we thus feel the urgent necessity of providing for the public security against every lawless and treasonable attempt of the abettors of revolution, we are not insensible to the distress which prevails among the labouring classes of society, in consequence of the present serious depression of our commerce. We know that the wants and privations which the families of the industrious labourer now endure, owing to the low rate of wages, are extremely severe; and we feel it our duty to recommend the adoption of every possible means for their relief and support: but we know at the same time that their distresses have no relation at all to the government or constitution of this country: they arise from the state of our trade with foreign countries, and are purely of a commercial nature; and we know that similar distress, in a far greater degree, is experienced both in America and throughout the whole continent of Europe.—It is evident therefore to the plain reason and understanding of every honest man, that any attempts to disturb the public tranquillity and

to seize this occasion of carrying into effect revolutionary designs against the state, can only serve to increase and embitter our present misfortunes; to interrupt the regular course of trade; and to retard the return of better and more prosperous times; and we fervently hope that such of our misguided countrymen as may have been seduced from their allegiance will yet seriously pause; and consider, that if they persevere in the wicked course which they are now pursuing, they will inevitably bring upon themselves the just and severe punishment of the offended laws of their country.

(Signed) Thos. Peel, John Touchet, John Hardman, James Kay, Arth. Clegg, Will. Hutchinson, Will. Tetlow, Jas. H. Heron, Wm. Lomas, A. Whitworth, Christr. Parker, Thos. Watkins, T. Worthington, Thos. Helsby, Thomas Entwisle, J. S. Barton, John Tetlow, William Hatton, William Hill, Robt. Kay.

No. 10.—Letter from Earl Fitzwilliam, Lord Lieutenant of the West Riding of Yorkshire, to Lord Sidmouth; dated Wentworth, 21st July, 1819.

My lord;—A general meeting of the people on Hunslet Moor, near Leeds, having been fixed for Monday the 19th instant, I have deferred writing to your lordship since my arrival in the West Riding, till that event had taken place.—From the reports I have received of what passed on that occasion, I find that nearly the same orators who took a leading part at the preceding meeting at the same place, and also at other meetings in the West Riding, again took the lead at this; their professed object and means the same—parliamentary reform through universal suffrage, election by ballot, and annual parliaments, but not to be sought for by violence,—to these was added on this occasion, the election of a representative to parliament, whenever a proper one could be met with. The resolutions passed were numerous and long, but I have not their particulars as yet, the managers not having yet dressed them up to their own liking for print, which I suppose they will do in the usual way on such occasions, without any very scrupulous attention to what was proposed and passed by the meeting: however, when printed, the sentiments and views of these leaders will be ascertained —for the present I have to report to your lordship (according to the reports made to me) that the tone of these gentlemen was manifestly humble and much lowered, compared to that they assumed at the preceding meeting at the same place; so much so, that even an inclination to petition parliament was expressed—at the close the meeting was dissolved.—I am given to understand, that scarcely more than half the number of the preceding meeting had assembled at this, and that the proportion of women was much larger at this than at the former: it passed off without the least disturbance or tumult; and they dispersed in the most peaceable and orderly manner, without insult or affront to any one. I have reason to think that such a termination of this meeting was foreseen by the mayor, founded upon an opinion, that the mass of the population within his jurisdiction is by no means disaffected nor seditiously disposed; that they are suffering most cruel privations through want of employment, the consequence of stagnation of trade; but I am told, that aware of the cause, they bear their hard lot with wonderful patience and resignation: but the very circumstance of want of occupation leads many to make part of the throng on occasion of such meetings, without being parties in the views of the leaders, or participating in their sentiments.—It will be a happy thing if the seditious and dangerous language that undoubtedly has been most directly held by these itinerant orators, can be brought home to them; the conviction of any will be a public good; but bad as the men may be, and indefatigable in propagating their doctrines, their mischievous spirit does not pervade the mass of the population of the West Riding; on the contrary, from all I can collect, I report with confidence to your lordship, that the peace, tranquillity, and good order of the realm will not be disturbed by these people.—I have the honour to be, &c.

Wentworth Fitzwilliam.

No. 11.—Letter from the same to the same; dated Wentworth, 31st July, 1819.

My lord;—Considering the assizes at York as the best possible opportunity for collecting the general opinion respecting the temper and disposition of the people of the Riding, I went thither; and it is with great satisfaction I report to your lordship, that it appeared the universal sentiment, that however much the population of the manufacturing district might suffer under the present stagnation of trade, there was no disposition to unite imaginary grievances with real distress. They had attended meetings which had been called, not in the view of taking part in the political disquisitions and claims of the itinerant orators, but in the hope and expectation that they would be directed to the bettering their own condition; and indeed it is thought, that as far as the assemblage extended on those occasions, it was in great degree owing to their real grievance, want of employment; they went, having nothing else to do. I am confident I speak the general sentiment of those present at York, in saying, that there is no cause for suspecting any disposition of the people of this Riding, to turbulence or commotion: if there be any discontent in their minds, it has nothing to do with constitutional considerations, but arises out of the improvements in the art of manufacture, which diminishes the calls for their exertions and industry, and has become to

them a real afflicting grievance.---I add likewise, as the prevalent and I believe universal opinion of the gentlemen I met at York, that no step that could in any way convey a suspicion or jealousy of the people's views and wishes, should be adopted; but that on the contrary we should prove to them by our own demeanor, our opinion of their good disposition, and our confidence of their good conduct.---I have the honour to be, &c.

WENTWORTH FITZWILLIAM.

No. 12.---EXTRACT of a Letter from Mr. Lloyd, Clerk to the Magistrates at Stockport, to Mr. Hobhouse, Under Secretary of State; dated Stockport, July 24, 1819.---One o'clock, A. M.

Sir;---Birch brought in Harrison at eight o'clock, and was followed to his own house (where he lodged him) by a mob. I took the justice there to have him committed, and we were insulted.---The bail were directed to wait upon me. Whilst I was examining them, as to their sufficiency, three men came up to Birch and questioned him as to Harrison, and that instant one of the three fired a pistol at Birch, who was not two yards from the person who fired. The bullet lodged in his breast, and cannot be found.---I have, &c.

J. LLOYD.

No. 13.---EXTRACT of a Letter from Mr. Norris, a Magistrate of Lancashire, to Lord Sidmouth, dated Manchester, August 5, 1819.

My lord;--Herewith I transmit your lordship two hand-bills published here, by which you will find that the meeting for Monday is put off. This I believe will be a great disappointment to the neighbouring towns, which have provided numbers of flags and caps of liberty for the ensuing occasion. The drilling parties increase very extensively, and unless some mode be devised of putting this system down, it promises to become a most formidable engine of rebellion. I expect the operation of the Watch and Ward act will have great effect in this instance.---I have, &c.

J. NORRIS.

No. 14.---Hand Bill enclosed therein.

PUBLIC MEETING.---We, the undersigned inhabitant householders of Manchester, having given notice of a public meeting, intended to have been held here "on Monday the 9th of August, 1819, on the area near St. Peter's church," which notice was published in the Manchester Observer of Saturday last, 31st July, do hereby respectfully inform the public, that after a mature consideration of all circumstances, we deem it prudent to acquaint the public, that such *Meeting will NOT at that time take place*, and respectfully recommend to our fellow townsmen and neighbours to relinquish their intentions of attending that meeting, for the specific purpose expressed in the advertisement.---Our guardians of the public peace having, in massy placards and large letters declared the said meeting to be illegal, and commanded the people to "ABSTAIN FROM ATTENDING THE SAID MEETING AT THEIR PERIL," although these guardian angels did not deign to inform the public wherein such illegality consisted: yet in compliance with their mandate, and to give them no just ground of opposition or offence, it has been deemed advisable not to hold such meeting; but to request the boroughreeve and constables to convene another; which requisition *now lies, but will only lie this day*, for signatures at the Observer office, and at No. 49, Great Ancot's-street.

(Signed) Wm. Ogden, 26, Wood-street; James Bradshaw, 32, Newton-street; Wm. Drinkwater, 29, Loom-street; Thomas Bond, 7, John-street; James Lang, Spinning-street; Joseph Rhodes, 46, Henry-street; Edward Roberts, 2, Ancot's street; Timothy Booth, 1, Little Pitt-street; Thomas Plant, 18, Oak-street; James Weir, 11, Gun-street; Nath. Massey, 2, School-street.

No. 15.---Another Hand Bill inclosed therein.

The following is a Copy of the Requisition now remaining for Signatures at the Observer Office, and 49, Great Ancot's-street.

To the Boroughreeve and Constables of Manchester.---We, whose names are hereunto subscribed, request that you will convene a meeting at as early a day as possible, to consider the propriety of adopting the most legal and effectual means of obtaining a reform in the Commons House of Parliament. Wednesday, August 4, 1819.

To the Requisitionists, who signed the notice for the public meeting on Monday next.

Fellow Citizens;---On my return from Liverpool, with the result of the important mission which you did me the honour to confide into my hands, and in the faithful discharge of my duty towards you, and the rest of my fellow citizens, I deem it necessary thus publicly to inform you, that after taking counsel's opinion upon the legality of your public notice, I am instructed by Mr. Ranecock, to say, "that the intention of choosing representatives, contrary to the existing law, tends greatly to render the proposed meeting seditious: under those circumstances, it would be deemed justifiable in the magistrates to prevent such meeting."---In recommending you to withdraw your notice, and relinquish your intention of meeting your neighbours, on the important subjects intended to have been discussed on Monday next, I deem it necessary to state to you and to the public, that in the opinion of the most enlightened friends to liberty, resident in Liverpool, your requisition is perfectly legal and constitutional; they are, nevertheless, induced to recommend this pause in your proceedings, merely in consideration of the cruel threats of violence

issued in a paper* from the bench of magistrates, since the publication of your notice, and of the evident preparations now making to carry those threats into execution. I am acquainted with your necessities—I know the honesty of your intentions,--and the lawful means you are desirous of pursuing; but in a question of absolute right, you are not prepared to defend yourselves; I therefore do not deem it adviseable, under the present circumstances, to subject the persons of yourselves or your friends, to the illegal and unconstitutional violence which your oppressors and their contemptible tools have prepared for the occasion.—The formidable preparations which your tyrants have made to meet you, their unarmed and suffering victims, is the highest compliment in their power to bestow upon you; it is more even than you could hope to gain by the meeting, you therefore may relinquish the objectionable parts of your requisition without regret, or even the shadow of a defeat.—Col. Williams, a county magistrate, had the honest boldness, on Monday last, at the Liverpool quarter sessions, to advocate your cause, and the cause of the Lancashire reformers, before his brother magistrates; he confounded the whole bench; not one man being disposed to reply to the constitutional arguments of this faithful and sincere friend of his country.—I beg leave to conclude, with reminding you, and all the friends of liberty and justice, that our cause grows and gathers strength with the plunderings of our enemies; whilst their rapacity must not only destroy the means of their own existence, but must, ere long, turn them to the destruction of each other. I am, &c. J. T. SAXTON.

Manchester Observer-office, August 4, 1819.

No. 16.—LETTER from Mr. Ravald, clerk to the magistrates of Bolton, to Mr. Hobhouse: dated Bolton le Moors, August 10, 1819.

Sir; by colonel Fletcher's directions I send herewith copies of the informations taken against George Greenhalgh and others. And have the honour to be, &c. JOHN RAVALD.

No. 17.—FOUR Informations inclosed therein.

*Lancashire to wit.* } The information of S. N., S. E., D. N., and D. R., all of Bury, in the said county, taken before me, one of his majesty's justices of the peace for the said county, the 7th day of August, 1819:

Who all upon their oath say, that in various parts of the neighbourhood of Bury aforesaid, there are nightly assemblies of great numbers of men who meet together to learn and practise military training, which these informants verily believe to be intended to qualify them for hostile purposes against the government of the country, and against the peace of our lord the king, his crown and dignity, and to the disturbance of them these informants, who hereby assert their fears for their own personal safety; and therefore they, these informants, pray that these men so training in large bodies, to the terror of his majesty's subjects, may be apprehended and committed to find sureties for the peace. S. N.
S. E.
D. N.
D. R.

Sworn before me,
Ra. Fletcher.

*Lancashire to wit.* } The information of James Haslam, of Great Bolton, in the said county, book-keeper, taken upon oath before us, two of his majesty's justices of the peace in and for the said county, the 9th day of August, 1819:

Who saith, that on Saturday evening last, about half-past seven o'clock, informant, with Mr. William Webster, were in the valley between Mr. Whitehead's and Cockey Moor, and informant saw many persons drilling on the Moor in a military manner---there might be about 150 or 200 persons: informant watched them from about a quarter of an hour to half an hour; that amongst the persons drilling was John Hargreaves, one of the persons now in custody. Hargreaves was one who gave the word of command. They were in open column when informant first saw them, and then wheeled into line. Hargreaves was in front, and appeared to give the word of command to one division: that about midnight, or a little afterwards, informant and several others apprehended Hargreaves. Informant challenged him with having been drilling persons on Cockey Moor: Hargreaves at first denied it, but on informant telling him that he (Hargreaves) had wheeled them into line, Hargreaves acknowledged that he had done so; and he then said, if they would but be merciful to him he would do so no more.

JAMES HASLAM.

Sworn before { Ra. Fletcher.
James Watkins.

The information of Arthur Taylor, of Great Bolton, warper, taken the same day:

Who saith, that he went by direction of the magistrates, to Cockey Moor on Saturday evening, to observe the persons that were suspected to be drilling or training and exercising there: that it was about a quarter past eight in the evening, when informant got to the Moor; there were about one hundred persons drilling. The prisoner George Greenhalgh was giving the word of command to about thirty-six men; they were in open column, told off in three or four divisions when informant got to them. They had been marching in files when informant first saw

* The fact is, the publication issued from the bench peremptorily commands all persons to attend the meeting, when a contrary meaning was intended to have been conveyed.

them. George Greenhalgh ordered them to form the line; they then advanced in line, and they did many other manœuvres, George Greenhalgh giving the word of command. Informant was close to them. There were two other divisions on the moor, exercising under the command of other persons: these two other divisions had each about the same number of men as that under George Greenhalgh: that informant, with several others, apprehended George Greenhalgh that night: that informant, on Greenhalgh being apprehended, asked him if he had been in the army, he said, "Yes, a little, he had been in the Bury volunteers." Informant asked him, what they were drilling for, and he replied, only to go to the meeting at Manchester on Monday, so that they might march to the band.

ARTHUR TAYLOR.

Sworn before { Ra. Fletcher. Jas. Watkins.

The information of Samuel Fletcher, of Little Lever, collier, taken the same day:

Who saith, that on Saturday last informant was on Cockey Moor, about seven o'clock in the evening, and informant observed many persons on the moor; there might be about two hundred; they were drilling in a military way, in different squads, and obeying the words of command given by different drill-masters; that informant saw them drilling for about two hours; that, about one or two o'clock in the morning, George Greenhalgh, one of the persons now in custody, was in the room at Starling, with several other persons also taken into custody; there were many persons in the room, and in the course of conversation, George Greenhalgh said, that the meaning of their drilling was, that they might come to that perfection, so that they might join their friends and neighbours in Bury and the neighbourhood, and form themselves into a body at Bury, and march in order with music to the Manchester meeting; he also said, that the meeting would have been on Monday next (this day), but it was considered to be illegal, and of course it was postponed until the Monday following, and now a requisition to the Boroughreeve and constables of Manchester was signed by more than two thousand inhabitants. Informant asked him, "what the meaning of such a meeting could be?" George Greenhalgh said, the meaning of such a meeting was, that the country should be properly represented. Informant said, he thought the country was represented; and George Greenhalgh replied, "No, there was Manchester, Bolton, Bury, and many other towns, that were not represented at all, and it was meant that they should be."

SAM. FLETCHER

Sworn before { Ra. Fletcher. Jas. Watkins.

No. 18.—Four Examinations, also inclosed therein.

The Examination of George Greenhalgh of Walshaw-lane, in Tottington, Weaver, taken the same day;

Saith, I was drilling men on Cockey Moor on Saturday evening last; there was nobody that I know of, besides myself drilling them; there were two squads in the lane. I did not see Edward Rothwell drilling in particular, but I believe he was there, and might be drilling; there were about twenty-five in the squad I was drilling; I have heard they have drilled at Woolford. Charles Hill, I believe, was not on the Moor on Saturday, but he was with me there on Monday evening last. It was wished that all the parish of Bury, who had imbibed the spirit of reform, should muster, to go altogether to Manchester meeting. The reason that set me upon drilling, was the rumours of the country, and from reading the Observer paper. I exhorted my neighbours on Cockey Moor to a peaceable conduct, and hoped none of them were for revolution and plunder; if they were, I hoped they would be mistaken. The first night we met was on Monday last: there were upwards of one hundred; it was accidental how many men there were in a section. On Monday night Charles Hill and John Holt were drill-masters; I was in the ranks. We have met three times, on Monday Thursday and Saturday last.

GEORGE GREENHALGH.

Taken before { Ra. Fletcher. Jas. Watkins.

The Examination of John Hargreaves, of Tottington, Weaver, taken the same day;

Saith, That I was on Cockey Moor on Saturday evening last, nor was ever at any meeting but one, and that was on Monday last, and then I gave the word of command to a small party. I was in the military service thirty-six years ago; I was at the siege of Gibraltar. On Monday last when I took the command of a small party, there were other parties on the Moor, but I do not know any one that commanded besides me; they were in divisions, and the divisions were at some distance from each other. I have heard that the parties that were drilling were to meet at Bury this day, to go to the meeting at Manchester.

The ⋈ Mark of JOHN HARGREAVES.

Taken before { Ra. Fletcher. Jas Watkins.

The Examination of Charles Hill, of Woolfold, in Tottington, Weaver, taken the same day;

Saith, I was on Cockey Moor on Monday night last, with other persons; they wanted me to drill them. I had been in the second regiment of Lancashire militia, and was dis-

charged at the first peace with Buonaparté. I did drill the persons on the Moor for a short time on Monday night last; I was coaxed to do it. I cannot tell how many persons there were on the Moor that night; there might be a hundred; they were in different squads: the squads I drilled might consist of twenty or thirty. George Greenhalgh, John Hargreaves, and John Holt, were drilling other squads that evening. I was not there on Thursday nor Saturday. Adam Ridings, a neighbour of mine who has been a soldier, went with me to the Moor. I do not know who it was that coaxed me to drill them; there were several who desired me to step out: it was near dark, and I do not know their names. I did hear that we were to go to Bury this morning, and join others, and proceed to Manchester to the meeting for parliamentary reform. I heard there was a requisition for choosing a representative, or something in that manner. We were all to have gone this morning to Manchester: we were ordered to go, and many would have gone; but on Friday I heard that the meeting was done away with. I did not go to any drilling after I saw the paper from the magistrates, forbidding the meeting at Manchester.

CHARLES HILL.

Sworn before { Ra. Fletcher. Jas. Watkins.

The Examination of John Holt, of Elton, Weaver, taken the same day;

Saith, I was with other persons drilling on Cockey Moor, on Monday night last; there were different squads on the Moor, and I joined them: I was desired to get into the front, and give them the step. I have been in the militia. I cannot tell who I saw there; I did not see Edward Rothwell, there might be about three hundred in the whole; from two to three hundred; lads and all, about three hundred. I gave no word of command, the fugleman gives no word; I only gave the step. There were more than twenty or thirty, there might be forty in the squad to which I gave the step. I did not give the word, but I gave them the time. I was not there on Thursday, nor on Saturday. I think I saw George Greenhalgh on the Monday evening on the Moor drilling; Charles Hill was there. The man that drilled them I know by sight, but do not recollect his name; he lives in Tottington, or Woolfold, on that side of the country.

The ⋈ Mark of JOHN HOLT.

Taken before { Ra. Fletcher. Jas. Watkins.

No. 19.—EXTRACT of a Letter from Mr. Crossley, a Magistrate of Lancashire, to Lord Sidmouth; dated Rochdale, 10th August, 1819.

My Lord;—With the concurrence of my brother magistrates, I beg leave to hand to your lordship copies of informations taken relative to meetings of reformers which have been held in this neighbourhood for several weeks past. These informations speak as to the proceedings of such assemblies, consequently I need not repeat them here. They certainly appear to us unlawful meetings, calculated to increase the number and power of the disaffected, and therefore ought to be suppressed. I have, &c.

JNO. CROSSLEY.

No. 20.—Two Examinations inclosed therein.

The Examination of A. B. a special constable, taken upon oath at Rochdale, in the County of Lancaster, the 10th day of August, 1819, before me, John Crossley, Esq. one of his Majesty's Justices of the Peace in and for the said County;

Who says, That about one o'clock in the morning of Sunday last, a large assembly of persons, to the number of two hundred or upwards, met at the Guide Post, which is near the parish church of Rochdale; that they had a fifer with them who played upon that instrument; that the persons so assembled remained about an hour, and then marched away towards Milkstone, which is in the direction of Tandle Hill in Thornham; there was a person who commanded and ordered the persons to fall in four deep, and so to march, that none of the parties were known to the examinant. A. B.

Sworn before me,
John Crossley.

The Examination of B. C. taken upon oath at Rochdale, in the county of Lancaster the 9th day of August, 1819, before us, John Beswick and John Crossley, Esquires, two of his Majesty's Justices of the Peace in and for the said county;

Who says, That yesterday morning I left my residence at High Crompton, between the hours of four and five, and proceeded to a place in Thornham, called Tandle Hill; that, on my arrival at this place, a large concourse of persons had assembled, to the number of two or three thousand; that of this number there were upwards of seven hundred who were drilling in companies, by marching both in slow, quick, and double quick time, and in every other respect went through the usual evolutions of a regiment; that each company might contain from fifty to sixty men, and were commanded by a person in the character of a captain; that when they were ordered to fire, it was immediately followed by a clap of hands throughout the line; that, out of the number who were met, I knew a few persons who reside in Crompton, and its neighbourhood; but, of the men who were acting as drill-serjeants, or officers

of companies, I know nothing; yet, from my knowledge of military discipline, I am satisfied they were persons capable of organizing a regiment: that, whilst I was on the ground, I heard persons say, that they (meaning the parties in drill) were fit to contend with any regular troops, only that they wanted arms; and, in the evening of yesterday, a man told me who had been at Tandle Hill, and who said he had been drilled that day, that a similar meeting would take place next Sunday, but that would be the last; that the persons remained on the ground until about seven o'clock, having been there upwards of three hours, and the whole of this time was devoted to drilling.

Sworn before { John Beswicke. John Crossley. } B. C.

No. 21.—Extract of a Letter from Mr. Fletcher, a Magistrate of Lancashire, to Lord Sidmouth; dated Bolton-le-Moors, 10th August, 1819.

My Lord;—The increasing spirit of disaffection had, about ten days ago, extended itself, in military training, to a place between Bury and Bolton, about two miles from the former, and four miles from the latter town.—The number of persons in training at said place was reported to have been about three hundred, on Monday the 2nd instant, and likely to be further increased, unless some check could be interposed. Four principal inhabitants of Bury waited on the magistrates, to state their utter inability to resist the torrent of disaffection without military aid; and that persons proper to serve as special constables were so intimidated, that without the presence of some military, they doubted their ability to induce them to come forward to be sworn on the day appointed for that purpose; viz. Friday next.—Under such circumstances, it appeared to a brother magistrate and myself, expedient to apprehend any persons that might meet again at the said place for training purposes; and having taken an information, on oath, from the before-mentioned gentlemen of Bury, and made arrangements with some officers of our Bolton local militia (who were to go previously on a reconnoitring party) we with a troop of the sixth carbineers, commanded by captain Ferguson, went to the spot on Saturday about ten P. M. but found the training just broken up, having, as it is supposed, heard of our intentions.—

Our reconnoitring party having, however, observed the training for the space of an hour, and learnt the names of some of the drill instructors, we caused four persons to be apprehended and conveyed to Bolton, who were yesterday examined, and all confessed their having attended at some of the training meetings, and expressed great contrition for having so done. They were all four admitted to bail, to answer, in fifty pounds each prisoner, and two sureties each in twenty-five pounds, any indictment that may be preferred against them at the next Salford sessions; and in the mean time, not to attend any such training assemblies, but to keep the peace, &c. Copies of the informations, examinations, &c. will be forwarded by Mr. Ravald to Mr. Hobhouse. [See p. 243.]—It appears from what one of the prisoners confessed, that he had imbibed his reforming notions from the Manchester Observer; which, it seems, he was in the habit of reading for the information of his neighbours. From this corrupt source has flowed into this county a considerable portion of that disaffection that prevails. By the apprehension of these men, I trust, will be stopped any further spread of the training system to the westward, within our magisterial division.—From Bury to the south-eastward, the military preparations continue without any diminution. The detail of their proceedings proves the alarming progress in the daring boldness of such multitudes of men arrogating to themselves what belongs to royalty alone, the power of training men in military tactics, for no other purpose that can be reasonably imagined, than hostility to the state. At Leigh (about eight miles south-westward of this town) the advertised meeting will be held to-morrow. The magistrates of Bolton and Warrington divisions are to meet at Hulton Park this day, to consult on the proper measures. The female reformers are to act a conspicuous part, by addressing the assemblage from the hustings, and furnishing a cap of liberty. Hunt and his party are said to be invited. The effect of such meetings so demoralizing and so terrifying to his majesty's loyal subjects (who, if they step forward, as in duty bound, in the defence of the peace and order of society, are immediately put under a sort of interdict, by these reformers, and deprived of their usual share of business, and even exposed to personal dangers) that I am inclined to think, under whatever pretext they may be called, they ought to be suppressed.

Ra. Fletcher.

No. 22.—Extract of a Letter from a person present at the Leigh Meeting; dated Manchester, August 11th, 1819.

Sir;—The requisition for the Leigh meeting was signed by twenty-five persons, specifically for the object of discussing and adopting some constitutional and practical remedy in reforming parliament, and averting the present distress. The meeting was fixed for one o'clock in the afternoon. During the morning a great concourse of the lower order of people were waiting for the arrival of Mr. Hunt, whose presence was anxiously expected, in consequence of which, the meeting was delayed until past two o'clock. Mr. Hunt, and none of his partizans forthcoming, it was deemed necessary to commence the proceedings of the day. Two carts were

lashed together in the market-place (a fine open space of ground) when Mr. Battersby (an itinerant preacher), Mr. Thomas Cleworth, and a Mr. Bamber (one of the society of friends) with several others, ascended the platform. As soon as Mr. Bamber was chosen for their chairman, a parade of the female reformers took place, headed by a committee of twelve young women. The members of the female committee were honoured with places in the carts. They were dressed in white, with black sashes, and what was more novel, these women planted a standard with an inscription, "No Corn Laws, Annual Parliaments, and Universal Suffrage;" as well as another standard, surmounted with the cap of liberty on the platform. Both the flag and the cap were presents from the *Ladies' Union!!* After the business was opened by Mr. Battersby, and seven resolutions, as well as the ladies' address, had been read, Mr. Turner, at the head of the police, made their appearance, and took Mr. Thomas Cleworth into custody upon a warrant of the magistrates. About 300 people were now concentrated; the officers took their man without opposition, and this vigilant step threw dismay in the ranks of the reformers, many of whom I saw dispersing in all directions.

No. 23.—Extract of a Letter from Mr. Norris, to Lord Sidmouth; dated Manchester, August 12th, 1819.

My Lord;—Herewith I have the honour to transmit your lordship certain depositions, as well respecting the situation in which certain parts of this town have been during the last week, as, respecting the practice of drilling, which has so extensively taken place in this and the surrounding neighbourhood. Many more are in existence and may be added to the number, but I apprehend those which I now send will be sufficient to assure your lordship of this alarming practice. They affect to say, that it is for the purpose of appearing at Manchester in better order, &c. on Monday next; but military discipline was not requisite for this purpose, and a more alarming object is so palpable, that it is impossible not to feel a moral conviction that insurrection and rebellion is their ulterior object.

J. Norris.

No. 24.—Seven Examinations inclosed therein.

*Lancashire, to wit.* } The examination of C. D. taken on oath at Salford, this 5th day of August, 1819; who saith,

That last night about nine o'clock he was returning home from Failsworth, it was dark, but at the distance of two fields from the road along which he was going, he heard the marching of a body of men, and several times heard the words of command, "march," and "halt." He remained listening about a quarter of an hour, and got upon the hedge side, but it was too dark to see the body of men; from the sound he heard he has no doubt there were a considerable number of men, but he cannot state any number as to the particulars. Examinant durst not go to the stop.

Sworn before me, C. D.
W. Marriott.

D. E. says, That last night about a quarter before nine o'clock he was in Failsworth, and saw between four and five hundred men marching in a field in Failsworth, belonging to Robert Bury; he heard the words of command, march and halt, wheel to right and left, and other words given; the men had no arms; they dispersed about ten o'clock, and were ordered to meet again this night. D. E.

Sworn before me, 5th August, 1819, J. Norris.

The information and examination of E. F. taken upon oath the 31st day of July, 1819, before me, one of his majesty's justices of the peace for the county of Lancaster, who saith, That on the 19th day of July, 1819, coming from Dry Clough in the township of Oldham, towards the town of Oldham, he met with three men who had all pikes in their hands, the length of which, when the dagger was drawn out, was about two yards long; which said three men were going to join a party of about forty in a field at a little distance, who had likewise some pikes with them, but cannot say how many, and assembled at the sound of a bugle. On the same day he saw at least one hundred persons near Hey Side assembled together with some pikes amongst them.

Sworn before me, E. F.
J. Holme.

F. G. maketh oath and saith, That on Thursday night, the 5th of August, he went to a field in the township of Failsworth, belonging to Robert Bury, where he saw about ninety persons, divided into four divisions and a small division which they called the awkward squad; that there was a man to give the word of command; that deponent heard them commanded to march to the right and left, to wheel, fire, &c. that the men had no fire-arms, but when the word "fire" was given, they clapped their hands all together; and after they had done exercising, they formed a circle round their commander, who told them, that the intended meeting was put off, on account of their paper being illegal, but that would give them more time to drill: he then said they must have a colour, and that they must subscribe; that the man then took off his hat, and gathered round from some a penny, and from others a halfpenny each; that there were a quantity of women in the field, and the leader of the men called to them to come into the ring, and said they must subscribe also, and that he wanted twelve young ladies to carry their colours, for he was certain if there was a regiment of soldiers drawn up to oppose them they could not find in their hearts to hurt them: that their leader proposed, that as Bury, the owner of the field, had given them

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leave to drill in it three weeks, he should have the honour of their marching out of it; that the persons assembled did not offer to molest deponent, but damned him for being backward in falling in.

G. H. and H. I. having respectively read over the affidavit of F. G. severally make oath that the same is true.

(Signed) F. G.
Sworn at Manchester, aforesaid, the 7th of August, 1819, before me, J. Norris. G. H. H. I.

I. K. says, That on Sunday morning last, about five o'clock, in company with * * * he went to Thornham or Tandle Hills, near Middleton, and there saw two or three thousand men, and a number of them exercising in military order;—they had no arms; but he heard distinctly the words of command, "quick march," and "double quick march." Deponent particularly noticed one company of about one hundred, march in wings under their leader, and advance also in wings; that the right wing advanced first, and the words of command, "fire, front rank kneeling," and when the word of command "fire," was given, they clapped their hands; the leader then advanced the left wing in the same order as the right, and ordered them to fire; this was repeated several times. Deponent and Mr. * * * being informed they were to assemble at Slattocks in Thornham, near Middleton aforesaid, they repaired thither, and deponent and Mr. * * * placed themselves by the roadside, in order to ascertain their numbers, when they passed deponent and Mr. * * * marching in military order four deep, when they counted seven hundred men. I. K.

Sworn before me at Salford, this 10th day of August, 1819. J. Norris.

K. L. L. M. and M. N. severally make oath and say, That having been frequently informed that a great many of the disaffected inhabitants of Bury and the neighbourhood, made it a practice to meet or assemble in large bodies to learn military exercise, and that such persons met four or five evenings in a week for that purpose; these deponents went in company together on Monday the second of August instant, towards the place where they understood such persons generally met; that they had not proceeded more than two or three hundred yards out of the town of Bury, on the Rochdale turnpike road, before they met about two hundred persons, so near as these deponents could calculate, between the hours of nine and ten o'clock in the evening, marching in regular military order, four deep, into the town of Bury.

(Signed) K. L. M. N. L. M.
Sworn at Bury aforesaid, the 9th day of August, 1819, before me, Samuel Woodcock. —A Master Extraordinary in Chancery.

D. E. maketh oath and saith; That in addition to his deposition made on the 5th instant, that on the night in question, viz. the 4th of August, this deponent, in endeavouring to approach the field where the men were training, and when he was within a field from them, and looking over the hedge, a man came up to deponent and said, "halt;" that deponent was walking away, and the man again said, "halt;" when deponent said, "if I halt it will be with a different commander than you," and continued to walk away; that the man followed deponent towards a wood in the neighbourhood; when near it, the man said, "if I catch you, or any other man in the wood, or near it, watching me and others, will be as bad as taking your life from you." —This deponent also says, that on the same night he heard a person in the field where the men were assembled, call,—"Failsworth, Woodhouse, Newton and Droylsden, (being townships in the neighbourhood) if any of you can afford to give a halfpenny or a penny a piece you must come forward to-morrow night at half past seven o'clock," and said, "we will have colours same as the rest," meaning, as this deponent believes, that they would have colours because other parties at drill in different parts had already obtained them; that deponent then heard a discussion about them as to whether they should be blue or otherwise, when one of the persons observed, "damn them we will not be true blue any longer, we have been true blue long enough."—This deponent further saith, that about half past nine o'clock on Thursday the 5th instant, he went to a field in the neighbourhood of Failsworth belonging to Robert Bury, and observed from the hedge a party of men at drill, and heard the word of command given several times; and that in an adjoining field deponent heard the words of command given to another party also at drill. D. E.

Sworn at Manchester, in the county of Lancaster, the 7th day of August, 1819, before me, J. Norris.

No. 25.—Letter from the Earl of Stamford, Lord Lieutenant of Cheshire, to Lord Sidmouth; dated Dunham Massey, August 12, 1819.

My Lord; I have the honour to inclose your lordship a copy of a resolution made at the adjourned general quarter sessions for the county of Chester, held at Nether Knutsford, on Monday the 9th of August, 1819. I have, &c. Stamford and Warrington, Lieutenant.

No. 26.—Resolutions enclosed therein.

At an adjournment of the general quarter sessions for the county of Chester, held at Nether Knutsford, on Monday the 9th of August, 1819: Present, sir John Thomas Stanley, bart. chairman; The earl of Stamford and Warrington, his majesty's lieutenant; Peter Brooke, Edwin Cor-

barracks, under the military custody of the officer commanding there, until the corps becomes sufficiently effective to have them transferred to their hands. I have, &c.

DERBY.

No. 31.—LETTER from the Clerk of the Peace inclosed therein; dated Preston, 13th August, 1819.

My Lord;—I have the honour to inform your lordship, that I attended yesterday at Manchester to put in execution the Watch and Ward act, when the whole of Salford Hundred, and the Warrington Division of West Derby Hundred, were placed under the provisions of the act. I have, &c. E. GORST.

No. 32.—LETTER from Mr. Norris to Lord Sidmouth; dated Manchester, August 15th, 1819. 11 o'clock, P. M.

My Lord;—The magistrates, the military, and civil authorities of Manchester, have been occupied nearly the whole of this day in concerting the necessary arrangements for the preservation of the peace to-morrow, and for the safety of the town in case riot should ensue. We have been much occupied in taking depositions from various parts of the country; and although the magistrates, as at present advised, do not think of preventing the meeting, yet all the accounts tend to show that the worst possible spirit pervades the country; and that considerable numbers have been drilling to-day at distances of four, six, and ten miles from Manchester; and that considerable numbers are expected to attend the meeting. I hope the peace may be preserved, but under all circumstances it is scarcely possible to expect it; and in short, in this respect we are in a state of painful uncertainty. I have, &c. J. NORRIS.

No. 33.—PRINTED Hand-bill issued by the Boroughreeves and Constables of Manchester.

The boroughreeves and constables of Manchester and Salford most earnestly recommend the peaceable and well-disposed inhabitants of those towns, as much as possible, to remain in their own houses during the whole of this day. Monday, August 16th instant; and to keep their children and servants within doors.—Edward Clayton, boroughreeve of Manchester; John Moore, jun.; Jonathan Andrew, constables; John Greenwood, boroughreeve of Salford; James Cooke, Josiah Collier, constables.

No. 34.—LETTER from Mr. Hay, a Magistrate of Lancashire, to lord Sidmouth; dated Manchester, 16th August, 1819; quarter past nine.

My Lord;—Mr. Norris being very much fatigued by the harassing duty of this day, it becomes mine now to inform your lordship of the proceedings which have been had in consequence of the proposal put forward for a meeting. The special committee have been in constant attendance for the last three days, and contented themselves till they saw what the complexion of the meeting might be, or what circumstances might arise, with coming to this determination only, which they adopted in concurrence with some of the most intelligent gentlemen of the town, not to stop the numerous columns which were from various roads expected to pour in, but to allow them to reach the place of their destination.—The assistance of the military was of course required, and arrangements in consequence made with them, of such description as might be applicable to various circumstances.—About eleven o'clock the magistrates, who were very numerous, repaired to a house, whence they might see the whole of the proceedings of the meeting. A body of special constables took their ground, about two hundred in number, close to the hustings; from them there was a line of communication to the house where we were. Mr. Trafford Trafford was so good as to take the situation of attending colonel L'Estrange, the commanding officer.—From eleven till one o'clock, the various columns arrived, attended by flags, each by two or three flags; and there were four, if not more, caps of liberty. The ensigns were of the same description as those displayed on similar occasions, with this addition, that one had a bloody pike represented on it; another, "Equal Representation or Death." There was no appearance of arms or pikes, but great plenty of sticks and staves; and every column marched in regular files of three or four deep, attended with conductors, music, &c. The most powerful accession was in the last instance, when Hunt and his party came in. But, long before this, the magistrates had felt a decided conviction that the whole bore the appearance of insurrection; that the array was such as to terrify all the king's subjects, and was such as no legitimate purpose could justify. In addition to their own sense of the meeting, they had very numerous depositions from the inhabitants, as to their fears for the public safety; and at length a man deposed as to the parties who were approaching, attended by the heaviest column.

On a barouche-box was a woman in white, who, I believe was a Mrs. Gant, from Stockport, and who it is believed, had a cap of liberty. In the barouche were Hunt, Johnson, Knight, and Moorhouse, of Stockport: as soon as these four parties were ascertained, a warrant issued to apprehend them. The troops were mustered, and Nadin, preceding the Manchester Yeomanry Cavalry, executed it. While the cavalry was forming, a most marked defiance of them was acted by the reforming part of the mob; however, they so far executed their purpose, as to apprehend Hunt and Johnson on the hustings: Knight and Moorhouse in the moment escaped. They also took on the hustings, Saxton, and Sykes,

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and who stated to this deponent that it was very probable they had been so employed; that very shortly this deponent heard the word march, and immediately afterwards several companies of unarmed men, and amounting, in the whole, from two to four hundred, marched along the turnpike road, on which the coach then was, towards Middleton, and this deponent's impression then was, and now is, that the men so marching had come some way on the said turnpike road, and had been drilling; and that the men standing on the bank were collected from curiosity, and an expectation, or knowledge, that the said men would march that way; that this deponent thinks the said men who so marched were divided into six companies or divisions; that each company or division marched four a-breast, except at the heads of companies, where there was a fifth person with a small stick or cane in his hand, who appeared to be the leader or captain, and gave orders; that the men marched with great exactness and precision, and appeared to this deponent, who was some years a member of a volunteer corps, to have been regularly drilled, and acquired a good state of discipline; that the men in one company having got out of step in a trifling degree, one of the leaders of it fell out of the rank, and cried out left, right, and restored the company immediately into a good state of marching; that whilst the men were so marching past the coach, one of the leaders looking into the coach, from which they were not distant more than two yards, and apparently addressing the passengers in the coach, used this expression, "We will damn'd soon make these borough-mongering vagrants tremble;" that this expression was used when about half the men had marched past the coach, and when this deponent had recovered from the surprise into which the march of the men past the coach had thrown this deponent, and which surprise at the outset had prevented this deponent from counting the numbers of the men who so marched; that the last company came past the coach in double quick time, and were ordered by their leader to mark time, in consequence of the quickness of their march getting them too near the company before them; that shortly before the said last company so came past the coach in double quick time, this deponent heard a bugle not far off, and which he has no doubt belonged to the party, though this deponent did not see it; that in the course of the same forenoon this deponent returned from Rochdale by the mail, which stopped at the said place called the Slattocks, and this deponent inquired from the persons about, who the people were he had seen in the morning; that the said people from whom he inquired were unwilling to say any thing; but at length reluctantly said they supposed they were a part of the men who had been drilling near the Tandle hills, and that they were the Oldham division. O.P.

Sworn before me, J. Norris.

Jonathan Andrew, of Manchester, maketh oath, and saith, That on Thursday evening the 12th instant, betwixt the hours of eight and nine o'clock, he saw exercising on the new road to Rochdale, from 20 to 25 men armed with staves, from 4 to 5 feet long, and apparently about 3 to 3½ inches round, similar to a brush stail, but chiefly of green wood. He heard the words of command given (by a person separated from the rest) march, halt, &c. JONATHAN ANDREW.

Sworn before me, this
13th of August, 1819,
W. R. Hay.

No. 30.—LETTER from the Earl of Derby to Lord Sidmouth; dated Knowsley, August 15, 1819.

My Lord;—I conceive it to be my duty to inform your lordship, that in consequence of a representation made to me by the select committee of magistrates assembled at Manchester (and perfectly agreeing with them in the expediency of the measure), I issued a precept for a special meeting of magistrates, to consider of the propriety of a general or partial execution of the Watch and Ward act, and I have now the honour to inclose to your lordship a letter from the clerk of the peace, by which you will perceive how far the same has been carried into execution. I trust this, and the other measures adopted by the magistracy, will put a stop to the danger to be apprehended from the evil designs of such as wish to disturb the peace of the country; but I am sorry to add, there is still too much cause to believe, that in some parts of this county, there are assemblies of men, who meet in considerable numbers, with the object of training and exercising themselves for illegal and seditious purposes. Of all this, however, your lordship is I am sure already informed with more accuracy, and in greater detail, than I am able to give you. It is with great regret that I am obliged to add, that the raising the armed association (notwithstanding the zealous endeavours of the boroughreeve and committee at Manchester, who made the offer to government) proceeds so slow, that I have not yet been able to obtain a list of gentlemen to be submitted to the prince regent as officers for the same. I am, however, informed by the boroughreeve, that the list of field officers and captains for one battalion has been completed, but they consider it premature to send it to me, as the number of men already enrolled is far below the number which should constitute one battalion. I think it right to apprise your lordship of this circumstance, but without the most distant idea of imputing blame, or want of zeal, to any person concerned in the transaction. The arms, &c. for nearly the whole corps have been forwarded to my order from Chester Castle some time since, and, with the concurrence of major general Byng, I have directed them to be lodged at the cavalry

barracks, under the military custody of the officer commanding there, until the corps becomes sufficiently effective to have them transferred to their hands. I have, &c.

DERBY.

No. 31.—LETTER from the Clerk of the Peace inclosed therein; dated Preston, 13th August, 1819.

My Lord;—I have the honour to inform your lordship, that I attended yesterday at Manchester to put in execution the Watch and Ward act, when the whole of Salford Hundred, and the Warrington Division of West Derby Hundred, were placed under the provisions of the act. I have, &c. E. GORST.

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My Lord;—The magistrates, the military, and civil authorities of Manchester, have been occupied nearly the whole of this day in concerting the necessary arrangements for the preservation of the peace to-morrow, and for the safety of the town in case riot should ensue. We have been much occupied in taking depositions from various parts of the country; and although the magistrates, as at present advised, do not think of preventing the meeting, yet all the accounts tend to show that the worst possible spirit pervades the country; and that considerable numbers have been drilling to-day at distances of four, six, and ten miles from Manchester; and that considerable numbers are expected to attend the meeting. I hope the peace may be preserved, but under all circumstances it is scarcely possible to expect it; and in short, in this respect we are in a state of painful uncertainty. I have, &c. J. NORRIS.

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No. 34.—LETTER from Mr. Hay, a Magistrate of Lancashire, to lord Sidmouth; dated Manchester, 16th August, 1819; quarter past nine.

My Lord;—Mr. Norris being very much fatigued by the harassing duty of this day, it becomes mine now to inform your lordship of the proceedings which have been had in consequence of the proposal put forward for a meeting. The special committee have been in constant attendance for the last three days, and contented themselves till they saw what the complexion of the meeting might be, or what circumstances might arise, with coming to this determination only, which they adopted in concurrence with some of the most intelligent gentlemen of the town, not to stop the numerous columns which were from various roads expected to pour in, but to allow them to reach the place of their destination.—The assistance of the military was of course required, and arrangements in consequence made with them, of such description as might be applicable to various circumstances.—About eleven o'clock the magistrates, who were very numerous, repaired to a house, whence they might see the whole of the proceedings of the meeting. A body of special constables took their ground, about two hundred in number, close to the hustings; from them there was a line of communication to the house where we were. Mr. Trafford Trafford was so good as to take the situation of attending colonel L'Estrange, the commanding officer.—From eleven till one o'clock, the various columns arrived, attended by flags, each by two or three flags; and there were four, if not more, caps of liberty. The ensigns were of the same description as those displayed on similar occasions, with this addition, that one had a bloody pike represented on it; another, "Equal Representation or Death." There was no appearance of arms or pikes, but great plenty of sticks and staves; and every column marched in regular files of three or four deep, attended with conductors, music, &c. The most powerful accession was in the last instance, when Hunt and his party came in. But, long before this, the magistrates had felt a decided conviction that the whole bore the appearance of insurrection; that the array was such as to terrify all the king's subjects, and was such as no legitimate purpose could justify. In addition to their own sense of the meeting, they had very numerous depositions from the inhabitants, as to their fears for the public safety; and at length a man deposed as to the parties who were approaching, attended by the heaviest column.

On a barouche-box was a woman in white, who, I believe was a Mrs. Gant, from Stockport, and who it is believed, had a cap of liberty. In the barouche were Hunt, Johnson, Knight, and Moorhouse, of Stockport: as soon as these four parties were ascertained, a warrant issued to apprehend them. The troops were mustered, and Nadin, preceding the Manchester Yeomanry Cavalry, executed it. While the cavalry was forming, a most marked defiance of them was acted by the reforming part of the mob; however, they so far executed their purpose, as to apprehend Hunt and Johnson on the hustings: Knight and Moorhouse in the moment escaped. They also took on the hustings, Saxton, and Sykes,

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who is the writer to the Manchester Observer, and which Saxton had before been addressing the mob. The parties thus apprehended, were brought to the house where the magistrates were. In the mean time the Riot act was read, and the mob was completely dispersed, but not without very serious and lamentable effects. Hunt, &c. were brought down to the New Bailey; two magistrates and myself, having promised them protection, preceded them; we were attended by special constables and some cavalry. The parties were lodged in the New Bailey; and since that have been added to them Knight and Moorhouse. On inquiry, it appeared that many had suffered from various instances; one of the Manchester yeomanry, Mr. Holme, was, after the parties were taken, struck by a brick-bat; he lost his power over his horse, and is supposed to have fractured his skull by a fall from his horse. I am afraid that he is since dead; if not, there are no hopes of his recovery. A special constable of the name of Ashworth has been killed—cause unknown; and four women appear to have lost their lives by being pressed by the crowd; these, I believe, are the fatal effects of the meeting. A variety of instances of sabre wounds occurred, but I hope none mortal; several pistols were fired by the mob, but as to their effect, save in one instance deposed to before colonel Fletcher, we have no account. We cannot but deeply regret all this serious attendant on this transaction; but we have the satisfaction of witnessing the very grateful and cheering countenances of the whole town; in fact, they consider themselves as saved by our exertions. All the shops were shut, and, for the most part, continued so all the evening. The capture of Hunt took place before two o'clock, and I forgot to mention, that all their colours, drums, &c. were taken or destroyed: since that I have been to the Infirmary, and found myself justified in making the report I have; but Mr. Norris now tells me, that one or two more than I have mentioned, may have lost their lives. The parties apprehended, will have their cases proceeded on to-morrow; but it appears that there may arise difficulties as to the nature of some of their crimes, on which it may be necessary to consult government. The whole committee of magistrates will assemble to-morrow as usual. During the afternoon, and part of the evening, parts of the town have been in a very disturbed state, and numerous applications made for military. These have been supplied, but in some cases have, in the Irish part of the town, been obliged to fire, I trust without any bad effect as to life, in any instance. At present every thing seems quiet; the reports agree with that, and I hope that we shall have a quiet night. I have omitted to mention, that the active part of the meeting may be said to have come in wholly from the country; and that it did not consist of less than 20,000 men, &c. The flag on which was "Equal Representation or Death," was a black one; and in addition, on the same side, had "No boroughmongering—Unite, and be Free;" at the bottom, "Saddleworth, Lees, and Morley Union;" on the reverse, "No Corn Laws;—Taxation, without Representation, is unjust and tyrannical." On the Middleton flag was, "Let us die like men, and not be sold like slaves;" reverse, "Liberty is the birthright of man."—I close my letter at a quarter before eleven; every thing remains quiet—many of the troops have returned to the barracks, with the consent of the magistrates. I have to apologize to your lordship for the haste in which this is written, but I trust that the haste will naturally be accounted for. I have the honour to be, &c.

W. R. Hay.

No. 35.—Letter from Major-General Sir John Byng to Lord Sidmouth, dated, Head Quarters, Pontefract, August 17th, 1819, nine, A. M.

My Lord; I have the honour to forward the accompanying copy of an official report which I have just received from lieutenant colonel L'Estrange, in command of the troops in Manchester and its immediate neighbourhood, which I consider of sufficient consequence to send by express, as it will be one day sooner before your lordship.—I most sincerely regret that the employment of military in aid of the civil power should have been necessary; but I trust it will appear to your lordship, that the utmost forbearance, consistent with their duty, has been evinced by lieutenant colonel L'Estrange, with the troops under his command: and I hope it will meet your approval, his having employed the corps of Cheshire and Manchester yeomanry cavalry, who, at the request of the magistrates had assembled with the greatest alacrity in full numbers, and had placed themselves at the lieutenant colonel's disposal.—By the latest account, I understand the town of Manchester has become more quiet. I shall await here a further report, and shall hold in readiness to move, at the shortest notice, all the disposable force under my orders. I have, &c.

John Byng, Major General.

No. 36.—Report from Lieutenant Colonel l'Estrange, inclosed in the foregoing. Dated Manchester, August 16, 1819, eight o'clock, P. M.

Sir,—The magistrates assembled here in consequence of the disturbed state of the district, directed me to have the troops in readiness to assist the civil power in case of necessity, at the time of the meeting proposed for this day. In concurrence with their wishes, and after consultation with them, the military were prepared and arrangements made, such as then seemed calculated to meet any occasion, in which the aid of the troops might be required to assist the civil power. The magistrates were in attendance

near St. Peter's Church; and Mr. Trafford, a justice of the peace for the counties of Chester and Lancaster, was appointed to remain with the cavalry. Early in the afternoon, the civil power finding it necessary that the troops should act in aid of them, it was deemed expedient that the cavalry should advance; and a warrant was executed, preceded by the civil authority, under which two persons Hunt and Johnson, named therein, were arrested; as were also two other persons named Saxton and Sykes, who were active, as I am told, on the hustings. This service was performed with the assistance of the cavalry. The infantry was in readiness, but I determined not to bring them in contact with the people, unless compelled to do so by urgent necessity; not a shot therefore has been fired by any of the military, though several have been fired by the populace against the troops. I have, however, great regret in stating, that some of the unfortunate people who attended this meeting have suffered from sabre wounds, and many from the pressure of the crowd. One of the Manchester yeomanry, if not dead, lies without hope of recovery; it is understood he was struck with a stone. One of the special constables has been killed. The Manchester yeomanry under major Trafford, and the Cheshire yeomanry under lieutenant colonel Townsend, who had come on a very short notice from the county magistrates (many of them from a great distance), were most active and efficient in discharge of their duty.—The committee, now sitting, consider it necessary to keep all the troops ready, though every means will be adopted to prevent the necessity of their acting. I have, &c.

George l'Estrange,
Lieut. Col. 31st regiment.
Major-General Sir John Byng, K. C. B.

No. 37.—Extract of a letter from Mr. Norris to Lord Sidmouth; dated Manchester, August 17, 1819.

My Lord;—Mr. Hay and Mr. Hardman having left town this evening, on a mission to your lordship and to government, it is unnecessary for me to give you any information up to the period when they left, as they are fully informed. Since their departure the town has continued to assume a gloomy aspect as the night has approached, and at this hour (a quarter from ten), all the civil and military authorities are in action throughout the town. Great numbers assembled this evening, from 8 to 9, about the New Cross, but did not do any act of violence though evidently of the description disposed to do so. Soldiers are placed there, and bodies of special constables, with orders in the first instance for the constables to act, and afterwards, in case of need, the military to disperse the mob. The Riot act was not read this evening when I first went up (about six o'clock) though some stones had before been thrown at one or two houses, and a few at the military; yet I found matters peaceable and quiet, and the offending parties straggling about, and at considerable distances, and I hoped they would disperse. They did not, however, disperse; but the numbers considerably increased at the distances, and I found it necessary to communicate instantly with colonel l'Estrange, &c. The military have in consequence been strengthened in that quarter, and at present every thing, I believe, remains quiet, although it can alone be attributed to the full exertion or appearance of the military strength. I am, &c.

J. Norris.

No. 38.—Examination of James Murrey of No. 2, Withy Grove Manchester, confectioner, who, on his oath, saith,

That on Sunday last, the 15th instant, he was at White Moss, near Middleton, about five miles from Manchester, between three and four o'clock in the morning and saw there assembled between 14 and 1500 men, the greatest number of whom were formed in two bodies, in the form of solid squares; the remainder were in small parties of between twenty and thirty each; there were about thirty such parties, each under the direction of a person acting as a drill serjeant, and and were going through military movements; that examinant went amongst them and immediately one of the drill serjeants asked him to fall in. He said, he thought he should soon, or gave some such answer; he then began to move away; upon which, some persons who were drilling, cried out "spies." This examinant, and William Shawcross, and Thomas Rymer and his son (all of whom had accompanied this examinant from Manchester) continued to retire; the body of men then cried out, "mill them," "murder them" Near one hundred men then pursued this examinant and his companions; they overtook them near a lane end, at the edge of the Moss, and began to pelt them with clods of earth—they at last came up to the examinant and his companions, and beat them very severely—Examinant begged they would not murder him; but the general cry was, "damn him kill him---murder him."—Examinant said, "you treat me very differently to what nations treat each other's prisoners when they are at war. Suppose that I am an enemy, you ought to treat me as a prisoner:" they said, "How will you treat us if you take us prisoners when we come to Manchester?" ---Examinant knew at the time that a meeting was appointed for the next day (Monday) at Manchester.---The men kept beating examinant all the time; at last, they debated among themselves whether they would kill examinant or forgive him, and they determined to forgive him, provided he would go down upon his knees and beg pardon to them, and swear never to be a king's man again, or to mention the name of a king. Ex-

aminant complied to save his life, they standing over him with sticks, as he apprehended to murder him, provided he had objected. They afterwards went away. Examinant was not previously acquainted with any of the persons assembled that he saw, but is certain that he should know again two of those who beat him. The greatest part of the number assembled had stout sticks, from three to four feet long. In consequence of the ill treatment received by examinant, as above, he was confined to his bed for three days. JAMES MURREY.

Sworn at Manchester before me, this 21st of August, 1819.
Ra. Fletcher.

No. 39.—LETTER from Sir J. T. Stanley to Lord Sidmouth; dated Grand Jury Room, Chester Castle, Sept. 3, 1819.

My Lord,—I have been directed by the grand jury of the county of Chester, as their foreman, to forward the inclosed to your lordship as a private communication; and I have taken the liberty of inclosing, at the same time a copy of resolutions entered into by the grand jury, expressive of their determination to support the government, and enforce the laws, for the preservation of the peace of the county. I have &c.

JOHN THOMAS STANLEY.

No. 40.—COMMUNICATION of the Grand Jury of Cheshire, inclosed therein.

(Private.) Chester, September 3, 1819.

We, the grand jury of the county palatine of Chester, assembled at the assizes holden for the said county, on the first day of September 1819, feel it our bounden duty to represent to your lordship, that from the information we have just received, we have strong reason to consider, that in the Stockport division of the hundred of Macclesfield in this county, and in certain parts of the Prestbury division of the said hundred, the lives and property of his majesty's loyal subjects are in great peril; and that in an adjoining county, by the active measures of terror and intimidation employed, the danger has, within the last fourteen days, assumed a more formidable character; and we beg leave to add, that we understand his majesty's justices of the peace labour under great difficulty from want of power to disperse meetings for drilling, and for acquiring military discipline.

JOHN THOMAS STANLEY, Foreman.

No. 41.—RESOLUTIONS also inclosed.

*County Palatine of Chester.*

We, the grand jury of the county palatine of Chester, at the assizes holden at Chester on the first day of September 1819, feel it incumbent at this time to declare our indignation at the machinations of artful and itinerant demagogues, who disseminate papers of the most dangerous and seditious tendency; and at public meetings, with freedom in their mouths and fraud and plunder in their hearts, employ the most inflammatory language; insidiously inculcate, under the specious veil of reform, hatred and contempt of our constitution, and instigate the ignorant and unwary even to exert physical force (that is, violence and open arms) for the enforcement of their visionary claims; at once useless to themselves, destructive of the rights and property of their fellow subjects, and involving the country in one general ruin. Nor can we refrain from declaring our disgust and horror at the odious and blasphemous publications poured forth throughout the country, in which the Holy Scriptures are held up to derision, reviled and scoffed at, and audaciously denounced to the people as false, with the malignant intention of eradicating from their minds all moral checks, and all the hopes and comforts to be derived from religion. But with the most serious and peculiar anxiety and detestation, we contemplate the unremitting exertions to poison the minds of the rising generation with the same horrid and detestable doctrines.—We, therefore, strongly impressed with the excellence of our constitution, protecting all ranks and degrees of society, are firmly resolved, by every means in our power, to enforce the due execution of the laws against the seditious and disaffected; and against all, who either by acts or otherwise, endanger the public peace and safety of the realm.

(Signed) John Thomas Stanley, Foreman.—Belgrave, H. M. Mainwaring, D. Davenport, Wilbraham Egerton, Charles Cholmondeley, Thomas C. Clutton, Ralph Leycester, jun., D. Ashley, George Wilbraham, E. D. Davenport, Clement Swetenham, H. C. Cotton, E. Stracey, Thomas Marshal, Thomas Cholmondeley, Robert Hibbert, John Isherwood, Robert Taylor, H. W. Worthington, Thomas Barker.

No. 42.—LETTER from Lord Stanley to Lord Sidmouth; dated Knowsley, September 7th, 1819.

My Lord; I have been directed by the grand jury assembled at the present assizes for this county, to sign, as their foreman, their statement of the unhappily disturbed situation in which (upon examination, which they have thought it their duty to make) they have found the county, or rather a large district of it, to be placed. In compliance therefore with their directions, I have now the honour to lay before your lordship the accompanying statement, a copy of which I have also been directed to lay before the lord-lieutenant of the county, and I remain, &c.

STANLEY.

No. 43.—STATEMENT inclosed therein.

The grand jury of the county of Lancaster have thought it their duty to inquire into the present state of the disturbed districts of that

county, and they have examined persons who appeared to them the most competent to give accurate information on the subject.—From the result of that inquiry it appears, that the most inflammatory publications have for some time been industriously circulated at a price which puts them very generally into the hands of the poorest classes of society. The training and military drilling of large bodies of men, under regular leaders, have for some time been carried on to a great extent, and the times chosen for the purpose are principally during the night, or at such hours as seem best calculated to elude public observation. Marching, and other military movements, are practised with great precision, and the words of command are promptly and implicitly obeyed. It has not come to the knowledge of the grand jury, that arms have been used on these occasions, and, though there is no doubt that weapons of offence have been manufactured, yet to what amount does not appear.—One of the most powerful engines to which the disaffected have resorted, is a system of intimidation, which prevails to a most serious and alarming degree. Not only have threats to persons and property been made use of, and put into execution, but even combinations have been formed to discountenance and to ruin those publicans and shopkeepers who have come forward in support of the civil power. To such an extent does this prevail, that individuals who are well-disposed, are deterred from declaring the sentiments which they really entertain, or from giving information which may lead to the detection of offenders.—Whatever may be the real object of those who have obtained an influence over the minds of the misguided, there is reason to believe, from the declarations which have been openly and avowedly made, that the object of the lower classes of these people in general, is no other than to reverse the orders of society which have so long been established, and to wrest by force from the present possessors, and to divide among themselves, the landed property of the country. —The magistrates who act in the disturbed districts, and who are few in number, and harassed by continued and unremitting attention to their duties, state themselves to be unable to preserve the public peace, under any circumstances of peculiar agitation.—Resort has recently been had to the Watch and Ward act, but in many parts of the abovementioned districts the measure is, for obvious reasons, incapable of being carried into effect, and in others has proved wholly inefficacious. Indeed, in one populous district, no warrant for ordinary offences, or other legal process, can be executed: the payment of taxes has ceased; and the landlords are threatened with the discontinuance of their rents.—The grand jury think it their duty to submit these facts and observations to the lord-lieutenant of the county, and to his majesty's principal secretary of state for the home department, and at the same time to express their firm determination to support the government of the country, and to maintain unimpaired the constitution as at present established in church and state.—Signed by direction of the grand jury,

STANLEY, Foreman.

Grand Jury Room, Lancaster, Sept. 6, 1819.

No. 44.—LETTER from the Constables of Manchester to Lord Sidmouth; dated Manchester Police-office, September 16, 1819.

My Lord;—We have avoided troubling your lordship with frequent communications, knowing that our highly esteemed friend Mr. Norris was in constant correspondence with the home department. We deem it however a duty to state some of the difficulties with which we have to contend, and which, as they are rapidly increasing, will press heavily on the gentlemen who are shortly to succeed us in office. Before Mr. Hunt made his appearance here, his followers had given us much trouble; they have now acquired so powerful an ascendancy in the neighbourhood, that he is able at any time to agitate this town most seriously; and by a very short notice to move an overwhelming population in any direction, and for almost any purpose. Your lordship has, we believe, already been made acquainted with the decease of Campbell, one of our supernumeraries, who was literally stoned to death, publicly, in the forenoon of the 17th ult. merely because he was connected with this office. Another special constable now lies in the infirmary dangerously wounded under similar circumstances. More than a week before the meeting of the 16th ult. two of our beadles, who were protecting a man whilst posting the Prince Regent's Proclamation, were shamefully abused, as well as the man, and held prisoners, at the New Cross, by a mob of more than 500 persons. The boroughreeve and ourselves, with our deputy and four assistants, having proceeded to the spot, were also violently attacked and beaten away with stones, previously taken up from the pavement for the purpose. For some time previously to the 16th ult. well dressed persons were sure to be insulted if they showed themselves in the neighbourhood of New Cross, Newton-lane, Ancoats, &c. &c.; and were it not for the certainty that the military could soon be at hand, no decent person would now venture near those places.—Since Mr. Hunt's arrival here, the respectable householders have been kept in almost constant alarm, and the noise and uproar which uniformly attends his movements have produced the most dangerous consequences to many families. Amongst persons unconnected with business, a general disposition prevails to leave the neighbourhood; and of those who are able to retire from trade, a considerable proportion seems determined to do so. The difficulty in collecting rents from those of the lower orders who are able to pay, increases

daily, and serious depression in the value of property is consequently taking place. We have also much reason to fear, that numbers, whom we had looked upon as neutral with respect to Mr. Hunt, are becoming partizans; and we ought not to disguise the fact, that a degree of intimidation very generally prevails, which deprives us of the usually efficient support and cordial assistance of some of our principal inhabitants. The special constables, as a body, were all that we could wish, and have given us abundant proof of their loyalty and spirit; but of those who are shopkeepers or publicans, many have so much lost their custom, that they must either cease acting, or be ruined. The sacrifice of wealth and comforts which the magistrates have willingly made, can only be duly appreciated by ourselves; and we are bound to declare our belief, that nothing but the purest patriotism could have influenced or supported them.—An anxious desire to serve the public faithfully, has completely exhausted our worthy colleague, the boroughreeve, and his life is still in danger; and, indeed, we are ourselves so much worn out, that we should shortly become unequal to our duty, were it not for the prospect of our year being soon ended. If we are asked, what has occasioned this state of society here? we must reply, the licentiousness of the press chiefly, aided by the inflammatory speeches of itinerant demagogues, and the establishment of schools for instructing adults, as well as children, to revile and despise the civil and religious institutions of the country. Whatever constitutional health or strength our successors in office may fortunately possess, or however zealous they may be in the discharge of their duty, we are firmly persuaded, my lord, things cannot long go on in this way, and we hope this conviction will be our apology for writing so much at length on this occasion. We have the honour to be, &c.

JOHN MOORE, jun. } Constables.
JONATHAN ANDREW, }

To the Right Hon. Lord Viscount Sidmouth.

No. 45.—LETTER from Mr. Jones, Postmaster of Macclesfield to Lord Sidmouth; dated Macclesfield, Cheshire, August 18, 1819.

My Lord;—I beg leave to acquaint your lordship, that a mob of the reformers assembled last night about half past eight o'clock P. M. in the market-place in this town: the mayor read the Riot act about half past eight P. M.; about nine the mob proceeded to a very outrageous attack on the shop and printing-shop of Mr. Jonathan Wilson, printer of the Macclesfield Courier, and demolished the door and windows; they also attacked the house of Mr. Thomas Grimsditch, solicitor, an officer in the Cheshire yeomanry cavalry in the Macclesfield troop; they broke all his front windows; they attacked my house and demolished my front windows, &c. They took advantage of the absence of our cavalry on duty at Manchester, and part of the 31st regiment of foot, which were here till last night. Twelve at night an express came from Mancherter ordering them to Stockport, so that we were left quite defenceless, we turned out and restored peace at last; and this morning, at five A. M. the party of the 31st regiment arrived here from Stockport, and at ten A. M. our troops of cavalry arrived from Manchester. The mayor, accompanied by the rest of the magistrates of this borough read the Riot act. and declared the town in a state of rebellion, and delivered it up to the charge of the military, from the circumstance of their having last night attacked the Post-office: and I humbly submit, that for the better and future security of the town, and persons and property, a troop of horse stationed here for a while would remove and disperse all danger. The whole most humbly submitted by your lordship's, &c. TIM JONES.

No. 46.—LETTER from the Lord Provost of Glasgow to Lord Sidmouth; dated Glasgow, 22nd August, 1819.

My Lord;—It affords me great satisfaction and pleasure that I have it in my power to inform your lordship, that the meeting of yesterday ended without any breach of the peace, or even disturbance. We had every preparation made by having the special constabulary, to the number of about four hundred, assembled, as well as all the police and other civil officers, and also the military drawn up in the barrack-yard to act in case the civil power should prove inefficient. Although all this was done without publicity or bustle, still it was not unknown to the crowd; indeed in the speeches I understood that peace and good order were strongly inculcated by the argument of the preparations made to oppose contrary conduct. To the presence of the military do we therefore owe our present state. The object of the meeting on Thursday being of a nature more likely to draw an assemblage of the poorer classes than the common one of parliamentary reform, and greater pains having been taken to bring them from every quarter, we contemplate that it will be much more numerously attended. God grant that it may end as peaceably! My lord, I have &c.

HENRY MONTEITH.

No. 47.—LETTER from Earl Fitzwilliam to Lord Sidmouth, dated Leamington, 26th August, 1819.

My Lord;—I have this morning received a letter dated 20th inst from Mr. Haigh, Mr. Haigh Allen, and Mr. Horsfall, three magistrates acting at Huddersfield and in its neighbourhood a copy of which I send for your lordship's information. No doubt it would have been more satisfactory had no meeting whatever taken place; but it is a subject of satisfaction that, taking place, it passed off peaceably, and that the assembled dispersed quietly, without the interference of any constituted authority, and no less so, that though a second meeting was announced, for the

following evening, it did not take place. I trust however, that your lordship will approve the active vigilance of these magistrates and the precautionary measures which they have adopted, by swearing in a number of special constables, and by calling out the Huddersfield troop of yeomanry on permanent duty, and I am confident your lordship may rely on their discretion, that the constituted authorities will not be unnecessarily committed in doubtful cases, but their powers used only when manifest necessity shall justify their exercise. I have the honour to be, &c.

WENTWORTH FITZWILLIAM.

No. 48.—LETTER from Three Magistrates inclosed therein, dated Huddersfield, August 20th, 1819.

My Lord;—We think it our duty to inform your lordship, that last evening, about seven o'clock, a large multitude of people were suddenly assembled within half a mile of the town, to the number (as near as we can ascertain) of three thousand. A person from Manchester related to them what had taken place there, and concluded by telling them, that now was the time to be revenged. Another person then said, that all who were willing to support the cause of radical reform by force, by physical force, should signify the same in the usual way; which was answered by a tremendous shout from the multitude; he then informed them that a meeting would be held the following night at seven o'clock at Fixby Park (about a mile and a half from Huddersfield). With arms?—was asked by the multitude. He said, we will not say with arms; but all persons are requested to provide themselves with such things as may in any way whatever be useful to them. We find that there have been several evening meetings suddenly called in different parts of the neighbourhood, since Tuesday, and we have every reason to believe that the meeting to-night is to be a concentrated meeting, as we are informed that a meeting in the neighbourhood of Halifax has been adjourned to meet at Fixby to-night. In consequence of these appearances we have thought it our duty to order our troop of yeomanry cavalry to assemble this evening, upon permanent duty for three days; we have also sworn in a number of special constables, which we trust will meet with your lordship's approbation. We have the honour to be, &c.

(Signed) J. HAIGH
B. HAIGH ALLEN
JOHN HORSFALL.

Saturday morning.—The night has passed over quietly. Numbers were seen returning to their homes late at night, most probably deterred from meeting by the precautions taken, and by a report circulated among the people, that the man who addressed them from Manchester was a spy.

(Signed) J. H.
B. H. L.
J. H.

To the Right Hon. Earl Fitzwilliam, &c. &c.

No. 49.—LETTER from Earl Fitzwilliam to Lord Sidmouth; dated Leamington, 28th August, 1819.

My Lord;—I have the honour to transmit to your lordship a copy of a letter, dated the 25th instant, which I received this morning from the mayor of Leeds; likewise a copy of a requisition for convening a public meeting on the 30th inst. signed by certain householders of Wakefield, and left at the office of the clerk of the peace; which also I received this morning.—I shall return immediately to Wentworth. I have the honour to be, &c.

WENTWORTH FITZWILLIAM.

No. 50.—LETTER from the Mayor of Leeds inclosed; therein dated Leeds, August 25th, 1819.

My Lord;—I duly received your lordship's letter of the 19th, announcing your intention, if no unpleasant accounts were received from Manchester to set out the following day for Leamington. I deem it necessary to acquaint your lordship, that I think I perceive a considerable change working among our reformers. On Thursday last, in the evening, a body of people to the amount of several thousands, met upon Hunslet Moor, to discuss the events at Manchester, simply upon a notice given by posting up a few written papers in two or three conspicuous situations in the town. Last evening another meeting took place by the appointment of the former; when, notwithstanding a heavy fall of rain, it is calculated full 3,000 persons were present; with the additional excitements of drums and bands of music, to which they marched from the adjoining townships. They dispersed quietly. I fear these circumstances, added to the frequent meeting, announce a growing confidence in themselves, and a determination on the part of their leaders to push matters to an extremity. They hold more violent language in their speeches, and dwell in exaggerated terms on the proceedings at Manchester; and Sherwin's Register of the 20th inst, of which I have found it difficult to obtain a copy, the whole being sold off, is a most diabolical production: he throws off all restraint, calls on the people to arm, states the impossibility of avoiding a revolution, or of subduing the people; and treats the idea of accommodation as ridiculous; surely it is time to attack the authors of such dangerous productions. I write this evening, desiring sir John Byng to order another troop of dragoons to Leeds. We have only one of thirty-two horses, which I think is too small a force to meet present appearances with. I have the honour to be, &c.

G. BANKS.

No. 51—REQUISITION also inclosed.

We, the undersigned inhabitant householders of the town of Wakefield, do convene a public meeting to be held on Monday, 30th August, 1819, to take into consideration our unparalleled distress (which we consider to

have arisen from enormous taxation without representation) and the most effectual and constitutional methods for the removal and prevention of the same occurring in future;

Richard Brown, plumber and glazier, Westgate; Joseph Lowe, cloth worker, Westgate; Samuel Moore, cloth worker, Westgate; John Robinson, cordwainer, Kirkgate; Joseph Lockwood, cordwainer, Nelson-street; George Musgreave, waterman, Kirkgate. Joseph Inson waterman Kirkgate; Benjamin Howell, jun. waterman, Kirkgate. The Chair to be taken precisely at four o'clock in the afternoon. Wakefield, August 23rd, 1819.

No. 52.—Letter from Earl Fitzwilliam to Lord Sidmouth; Wentworth, August, 31st, 1819.

My Lord;—I have the honour of transmitting, for your lordship's consideration, copies of three letters, all of which I have received this morning; 1st from colonel Horton, a magistrate of the West Riding, resident near Halifax, dated the 27th instant; 2nd, from the mayor of Leeds, dated the 27th instant; 3rd, from Mr. Foljambe, deputy clerk of the peace, dated Monday evening 9 o'clock. I have, &c. Wentworth Fitzwilliam.

No. 53.—Letter from Colonel Horton inclosed therein; Halifax, August 27th, 1819.

My Lord; Attending a general meeting of magistrates yesterday, at Wakefield, to consider the additions to the House of Correction, I thought it necessary to give my opinion of the state of this part of the Riding; and I beg to communicate the same to your lordship. I have great reason to believe, that the lower orders in this part of the country are very much irritated by the laudable conduct of the civil and military authorities at Manchester, and warmly espouse the cause of the Revolutionists; for such they are. Speaking entirely of the actual labouring class, I have not a doubt that a very great majority have the above feeling, and would act upon it if they dared, at this moment. Various assemblages have been held in this parish and Huddersfield, since the occurrences at Manchester. The object being (as there is great reason to believe) to determine as to the propriety of marching to Manchester to avenge themselves which has not been thought prudent at present. These assemblies were called privately, and it is very difficult to obtain correct information: but though I do not apprehend any immediate danger, I am well convinced there is reason to fear that some violent attempt will be made by the disaffected, if very great precautionary measures are not adopted. It is quite certain the object is absolute revolution; the attempt at which will cause much mischief. This parish has always been much quieter than Huddersfield; but the disposition lately evinced, has induced colonel Deardon and myself to swear in about three hundred special constables, and to call a meeting of the principal inhabitants. I intend to attempt to raise a troop of yeomanry cavalry here, and I have hopes of offering one to your lordship. In the mean time I have stated to lord Sidmouth, that it is necessary to society that one troop of regulars should be placed here. I wish to add, that it was the opinion of all the magistrates at Wakefield, amongst whom were sir Francis Wood, Mr. Wortley, and Mr. Lowe (with whom I coincide), that it is not by any means necessary your lordship should hasten your return from Leamington at this moment. I have, &c.

Thomas Horton.

Earl Fitzwilliam, &c. &c. &c.

No. 54.—Letter from the Mayor of Leeds, also inclosed; dated Leeds, 27th August, 1819.

My Lord;—I beg your lordship's reference to my letter of the 25th instant. The meeting of magistrates which I mentioned it was my intention to convene for this day, has taken place. I stated at this meeting, that in consequence of the new symptoms which are showing themselves in the proceedings of the reformers, I had been induced to request sir John Byng would send us another troop of cavalry, which he has consented to do. I also read to them the copy of the letter I had sent to your lordship, and of one I had sent to lord Sidmouth, in which I had given the same details as to your lordship, and inclosed to him the mischievous number of Sherwin's Register, alluded to in my last. That I deemed it my duty to make this communication to my lord Sidmouth, I think I omitted to mention to your lordship, which you will have the goodness to attribute to the hurry under which I was obliged to write my letters on Wednesday evening. I am happy to say, the opinions I have formed, and the measures I have adopted met the full approbation of my brother magistrates, as I hope they will of your lordship. I feel perfectly confident, with the military force which I shall have to-morrow at my disposal; and I sincerely hope the strong attitude we have taken in this respect, without hitherto interfering with the proceedings of the reformers, will have due weight with them, and deter them from going to the dangerous lengths they have in Lancashire; and which, I am quite satisfied, is the object of their leaders. I am most anxious to avoid any contact with them, until they commit themselves by some breach of the peace, when I might be warranted in a decisive interference. —I have a strong objection, which I think it right to name to your lordship, to make use of the yeomanry, except as an auxiliary force, and in case only of emergency. I perceive a strong hatred exists against this force, which is carefully cherished by all the reformers, and if, unfortunately we should require their ser-

vices, the probability is, that in discharging their duty they would lay the foundation of perpetual heart-burnings and animosity.—I have not yet heard of any day being fixed for another meeting here; there will be one at Wakefield on Monday next. If any thing farther occurs worth communicating to your lordship, I shall take the liberty to write to you. I have, &c.

Earl Fitzwilliam, &c. &c. GEORGE BANKS.

No. 55.—LETTER from the Clerk of the Peace of the West Riding of Yorkshire, also inclosed.

My Lord;—I am just returned from the meeting, with sir Francis Wood, Mr. Scott, and Mr. John Maude, amounting to about 2,000; a great part were spectators. Mr. Willan in the chair. The speakers were Messrs. Mitchell, Mason, Jackson and another; all of whom, sir Francis desires me to inform your lordship, talked a great deal of nonsense, but not treason; and the resolutions passed were similar to those at Manchester and other places. Supposing your lordship would be anxious to hear the result, I send this by a special messenger. All went off peaceably. Nothing was required by the act passed 31st of March 1817, as it expired on the 24th of July 1818; but I thought it proper to send to your lordship a copy of the notice left at this office by these deluded people, who, providentially, are not aware of that circumstance. I have, &c. JOHN FOLJAMBE.

Monday evening, 9 o'clock.

No. 56.—EXTRACT of a Letter from the Lord Advocate of Scotland to Lord Sidmouth; dated Edinburgh, September 15, 1819.

My Lord;—The proceedings of the reformers at Manchester have been imitated at Paisley. Though allowed, without molestation, to meet and to talk sedition, they afterwards proceeded to violence, and continued their operations during the following day, although it was Sunday. Riots have also taken place in Glasgow. I have thought it right to communicate to your lordship the whole information on the subject, of which I am possessed, and this you will find inclosed. On the perusal of these documents, I think your lordship will agree with me in opinion, that the magistrates have acted with great prudence and moderation, and it now only remains for them to act with vigour, if these proceedings are continued.—In haste. I have, &c. W. RAE.

No. 57.—LETTER from the Sheriff Depute of Renfrewshire, inclosed therein; dated Paisley, Tuesday 14th, Sept. 11 o'clock.

My Lord;—On my return here yesterday, I found the town in great ferment. In the course of Sunday evening the windows of a number of houses in all quarters of the town had been broken, particularly those of the clergy. The same thing was renewed on Monday, but with more sytem and deliberation. The plan chiefly adopted was, to disperse on the appearance of constables, and to lurk in closes till an opportunity was found of sallying forth and throwing stones. As the cavalry could not pursue the rioters down the closes, we sent for infantry from Glasgow to guard the principal stations, and the cavalry dispersed any crowds which collected at the ends of streets; but with instructions only to strike with the flat of the sabre. Military posts were stationed during the night at the chief outlets of streets, and preserved tranquillity. The charges of the cavalry were executed with great moderation; and not till after printed notices that the Riot act had been read were fixed on poles, and carried through the crowd. It is satisfactory that no person has been killed; nor, as far as I have heard, any one severely hurt. But if the scenes of yesterday be renewed to-day, I fear the moderation which has hitherto been observed, cannot be continued.—Proposals were made to the magistrates, by the ringleaders of the mob offering to restore tranquillity, provided they gave up the flags, and liberated the prisoners, which I mention as indicative of the spirit by which the rioters are actuated.

*Paisley, 5 o'clock.*

Every thing is quiet up to this hour, at least apparently so; but the streets are still more crowded than usual. I have been engaged chiefly this forenoon in taking the declarations of those we have apprehended. Our prisoners are very numerous, and our gaol here was nearly full before the riots. The Greenock gaol has received five, but will not hold more: and I beg leave to request, that the proper authority be immediately obtained by your lordship authorising the transmission of prisoners to Glasgow gaol, under the present emergency, and requiring the magistrates of Glasgow to receive and detain them. I am my lord, &c. JOHN DUNLOP.

No. 58.—EXTRACT of a Letter from Mr. Reddie, also inclosed; dated Glasgow, 14th Sept. 1819.

My dear Lord; For a very brief account of the proceedings here last night, I refer your lordship to our proclamation of this day, of which I send a copy by this night's post. The assemblage took place rather unexpectedly. After lamps and windows had been broken, we read the Riot act; and then authorised the dragoons to clear the streets with their sabres, having previously been assailed with vollies of stones, from a house at present rebuilding in an adjoining street. The soldiers, as usual, behaved with great moderation. About a hundred prisoners were made; but we discharged upwards of fifty of them before two o'clock A. M.; and I fear we shall only be able to procure evidence against a few of those we have still in custody, amounting to about thirty. This check has not been sufficient. They are rather elated, it seems, than

otherwise, by the success of their diversion in favour of Paisley; and, if we may rely upon the accounts we have received from different quarters, we shall have the same scene again to-night, for which we have made the necessary preparations. I am, &c. JAMES REDDIE.

The Lord Advocate of Scotland.

No. 59.—LETTER from Earl Fitzwilliam to Lord Sidmouth; dated Wentworth, 25th September, 1819.

My Lord;—I must apologise to your lordship for an apparent tardiness in forwarding the report made to me by the mayor of Leeds, respecting the occurrences of Monday last, within his jurisdiction; but when it reached this place I was absent. I have now the honour of transmitting a copy of his letter. I am confident your lordship will learn with the greatest satisfaction, that it passed off without the slightest interruption of the public peace: notwithstanding the occasion had drawn together, in Leeds, such an immense assemblage of people, as had never before been seen in Leeds, who marched in solemn procession to Hunslet Moor; the inflammatory speeches of the orators had not attraction to retain them together; they dropped off by degrees, and at the conclusion of the business, not more than had been usually seen at ordinary meetings continued to attend. I am no less confident that your lordship will applaud the judicious conduct pursued on the occasion by the mayor, and likewise the precautionary arrangements which he had made, in case of necessity. I have, &c. WENTWORTH FITZWILLIAM.

No. 60.—LETTER from the Mayor of Leeds, inclosed therein; dated Leeds, 20th Sept. 1819.

My Lord;—It may be satisfactory to your lordship, to receive from me some account, though short and imperfect, of this day's meeting on Hunslet Moor. About eleven o'clock there was an evident movement in the streets, and numerous arrivals, in small parties of people from the country: these continued increasing very much till about one o'clock, when the large detachments from the adjoining townships, and also a very numerous one from Dewsbury, headed by Willan, having arrived, the procession moved on to Hunslet Moor, where it arrived about three o'clock, accompanied by a band of music, and a great variety of flags with various mottos; the particulars of which I am not yet acquainted with. A man, of the name of Chapman, took the chair; some violent speeches were delivered: a number of resolutions past, such I understand as we have witnessed in Lancashire, and a collection made on the spot, under the pretence of applying the produce to enable Hunt to sustain the prosecutions in process against him. The crowd which first appeared on Hunslet Moor must have infinitely surpassed any thing of the kind which was ever before known in this place, but being composed of the vile and curious, as well as the mischievous, the former not finding attractions for them, they began, together with the women and children, early to retire; and before the business of the meeting was dispatched, the numbers were reduced as low as at the last meeting, not exceeding 4 or 5,000; although I cannot doubt there must have been at one period, perhaps about four o'clock, little short of 20,000 souls present—the whole affair has terminated peaceably.—The only measures of precaution I adopted, with the approbation of my brother magistrates, were these;—I ordered the regular constables of the town, under their chief, to assemble at the Court House; as also the watch and patrole, under their captain, at five o'clock, where I attended with the recorder and a few other magistrates, until a little after eight, by which time the whole affair was over, and all the parties appeared to have quietly dispersed.—With regard to the military, I desired the commandant of the squadron of dragoons to give strict orders to all his men to keep close in their quarters, holding themselves and their horses in perfect readiness in a moment's notice; and as my object was, to avoid display, I did not give out any orders till the assemblage had quitted the town.—After leaving the Court House, I had an engagement with the committee at the workhouse, which has detained me so late, that I fear my letter will scarcely be in time for the post. I have, &c. GEORGE BANKS.

To Earl Fitzwilliam, &c. &c. &c.

No. 61.—EXTRACT of a Letter from Colonel Horton to Mr. Hobhouse; dated Halifax, October 5, 1819.

Sir;—I am glad to say there was no farther disturbance here yesterday after the meeting had dispersed, except that three or four of the alehouses were full of persons drinking late in the evening: whereas they had been ordered to close them at eight o'clock; and the constables had great difficulty in clearing them, which could only be done by force; the people showing the worst possible spirit. —The heavy rain fell most fortunately, as it drove home those who came from the country; otherwise I have little doubt the constables would have been overpowered. Every report I receive justifies me in declaring, that more than fifty thousand persons were assembled; and that most of them had something on which they relied more than their sticks, some of which were actually shouldered, being rather clubs than sticks. There could not be more than a few thousands on the moor from the town itself; crowds came in every direction, and this place seems to have been well selected, being destitute of defence. I have, &c. THOMAS HORTON.

No. 62.—LETTER from six magistrates of the county of Durham to lord Sidmouth; dated Gateshead, 13th of October, 1819.

My Lord;—We have the honour to acquaint

your lordship, that we have addressed a letter this morning to the lord lieutenant of the county, respecting the present state of Chester Ward, in the county of Durham, of which we desire to forward a copy to you.—We have the honour to be, &c.

Adam Askew, chairman; H. G. Liddell, Robert Shaw, G. T. Leaton, Cha. Thorp, J. Collinson.

No. 63.—Copy of the Letter sent to the Lord Lieutenant.

My Lord;—We, the magistrates of Chester Ward, assembled at a general meeting, feel it to be our duty to represent to your lordship, that from the proceedings upon the river Tyne, and the general state of the ward, we are unable to answer for the preservation of the public peace, or the security of the inhabitants, without an increase of the military force. We should be glad to have the yeomanry force of the ward put into activity; and trust that your lordship will adopt such measures as you may think requisite upon the present emergency.

(Signed) Adam Askew, chairman; H. G. Liddell, Rob. Shaw, Tho. Baker, Geo. Tho. Leaton, J. Collinson, Cha. Thorp.

No. 64.—Letter from the Earl of Darlington to Lord Sidmouth; dated Raby Castle, October 15, 1819.

My Lord;—I beg leave to inform your lordship, that in consequence of an urgent requisition from the magistrates in the North district of this county, and from the mayor of Newcastle, who has stated to me that he had been attacked in the execution of his duty, I have judged it expedient to order out the South Tyne yeomanry cavalry, and to place them under the authority of the magistrates, who must be responsible if they order the military to act, and I have urged them strongly not to do so unless the civil power is overcome or incompetent.—I cannot help observing, that the refractory keelmen and the radical reformers are, I trust, perfectly separate, although very inflammatory language and seditious writings are diffused amongst the former, who formed, I suppose, a part of that large assemblage of people who met on Newcastle Moor, on Monday, but who appear to have quietly dispersed.—I have, &c.

Darlington, Lord-Lieutenant.

No. 65.—Letter from Mr. Marsh, a Magistrate of Lancashire, to Lord Sidmouth; dated Westleigh, October 17, 1819.

My Lord;—Conceiving it my duty, I have the honour to inclose to your lordship several copies of informations on oath, accompanied by a petition, signed by most of the respectable inhabitants of the town of Leigh, in which I perfectly coincide; and have good reason to believe, that without the protection of the military, neither their persons nor their property will be safe much longer. The acerbation of temper amongst the weavers, or, as they style themselves, the reformers, produced by severe privations from the lowness of wages, and infuriated by seditious publications and cheap pamphlets, industriously circulated amongst them, has prepared them for the perpetration of the most atrocious crimes; and they openly declare their intention, by a simultaneous movement in the night, to seize property wherever they can find it, and destroy the possessors thereof; and it is added, that the period is not far distant. I beg leave to state, that a single troop of horse would, in my humble opinion, be adequate to the purpose, provided it was stationary for a few months: as it would enable us to put the Watch and Ward act in force, which, in the present state of things, I do not deem practicable.—I have, &c.

R. Marsh.

No. 66.—Four Informations inclosed therein.

*County Palatine of Lancaster, to wit.* } The information of P. Q. taken upon oath before me, Richard Marsh, esq. one of his majesty's justices of the peace in and for the said county, the 14th of October, 1819:

Who saith, That about a fortnight ago he received orders from several persons to make about twenty pikes, but this informant did not make them, nor does he know the persons who ordered them. That this informant believes he could have had orders for one hundred pikes, if he had chosen to accept the order.

(Signed by) P. Q.

The information of Q. R. taken upon oath before me, Richard Marsh, esq. one of his majesty's justices of the peace in and for the said county, the 14th of October, 1819:

Who saith, That of late about one hundred persons have mentioned distantly to this informant, as to his willingness to make pikes, but he hath uniformly refused; that about forty persons have applied directly, and in person, to this informant to make pikes for them, but that he hath refused every application; but this informant cannot take upon him to swear to his knowledge of the persons so applying, except * * *

(Signed by) Q. R.

The information of R. S. taken upon oath before me, Richard Marsh, esq. one of his majesty's justices of the peace in and for the said county, the 17th of October, 1819.

Who saith, that some persons, about a week ago, called at this informant's house, who are of the class called reformers; that as they were speaking seditiously, this informant pretended to fall asleep, when he heard the said persons say, that it was the intention to rise

in the night upon the 1st day of November next, and that it was to be done all through the country, and they would divide the property amongst them. That two other persons have said in this informant's house, that the blacksmith at Pickley Green in Westleigh, in the said county, was busy making pikes, and had hired a man to file them. That this informant did not know the said persons, but from their language he understood that the pikes were to be used to kill the gentlemen, and to take their property.

(Signed by) R. S.

The information of S. T., taken upon oath, before me, Richard Marsh, esq. one of his majesty's justices of the peace in and for the said county, the 14th of October, 1819:

Who saith, That he has made various iron instruments, similar to the one he now produces, by order of different persons, but does not know their use; he has made about sixteen or eighteen, and has orders for twenty more for the Bedford side, to be ready by Saturday the 16th instant: believes he could have orders for one thousand if he could make them; they are made by order, with points and keyholes, to fasten into a staff, and the pattern and material is usually brought by the person ordering them. He has made one for , and one for , but does not know the names of any others. He was not aware that they were unlawful weapons, but has lately been told that they are. That this informant has no objection for any person to stand in his shop to see him make them, or to see who calls for them.

Signed with the mark of
S. T.

No. 67.—Letter from the Mayor of Newcastle-upon-Tyne to Lord Sidmouth; dated Newcastle, October 17, 1819.

My Lord;—I have the honour to acknowledge the receipt of your lordship's favour of the 15th; it is impossible to contemplate the meeting of the 11th without awe, more especially if my information is correct, that 700 of them were prepared with arms (concealed) to resist the civil power. These men came from a village about three miles from this town, and there is strong reason to suspect that arms are manufactured there: they are chiefly forgemen. I have given all the information that I have received to the magistrates for the county of Durham, it being within their jurisdiction.—I have desired the town clerk to write the particulars of the riot at Shields, by last post, being so entirely engaged in the discharge of my official duties, that I had not a moment to do so myself—I am truly sorry to learn that he had not written. —The keelmen having on Tuesday morning last stopped the waggons and proceeded to other acts of insubordination, it was determined, that the magistrates for Northumberland and Durham, accompanied by dragoons, should go down on the north and south sides of the river, and that I should go on the river. Four boats from his majesty's ships met me about three miles from Shields. We effected all we wished; the ships loaded at the spouts, and I protected four keels to Shields: they moored to the ships; the owners said they only required some constables left to protect them, and dismissed his majesty's boats; and having discharged my duty, I went on shore, leaving the steam packet and constables to protect the crews of the keels. There did not appear the least reason to suspect riot, or an attack upon the packet. I had not been twenty minutes on shore, where I had ordered some refreshment for myself, when I received a message from the packet to send them immediate assistance, as their lives were in imminent danger. I sent to captain Montague requesting his boats, and made an immediate attempt to get to the packet; I found it absolutely impossible, without sacrificing my life to no purpose. Between three and four hundred of the mob were upon the quay, showering stones into the packet. In the course of a few minutes I was informed his majesty's boats were arrived; I made another attempt to get on board—it was impossible. At this time I marked one man, who appeared a leader; he threw stones, and as he retreated to seek more stones, and was stooping for that purpose, I seized him, and with the aid of another gentleman, took him prisoner; he is a shoemaker, has seven men employed under him, and was one of the radicals who marched from Shields on the 11th. Within a few minutes I heard the report of two muskets, and went out to know the cause, and was informed that they were fired from the shore; this was not the case, they were fired by marines, in the air; very soon two or three more were fired, and I heard a cry of murder; one man was killed. The mob immediately turned their fury to me, saying, I had ordered the firing. The room in which I was, was attacked with stones and brick bats; in a minute the glass sashes were demolished; the house, a very large one, belonging to the duke of Northumberland, was surrounded; the windows demolished. I had at the beginning sent for two magistrates at Shields; they could not come, and at this critical moment, when the mob broke open the door, and were rushing in to take me, the high constable, Mr. Joshua Donkin, arrived, and assuring them that it was impossible that I could give the order, they became more quiet. I had previously gone to the door to make the same assurance, but was assaulted with a volley of stones, two of which took effect. They then demanded the prisoner: as he was well known he was released, and hopes were entertained that they were satisfied. In three or four minutes the attack was renewed in

front of the house; Mr. Donkin and myself went out at the back door, at the moment the mob rushed into the front; we were not recognized, and got off: they searched every room, even chests for me. The inquest is sitting: there is no doubt of a verdict of justifiable homicide. I am happy to say I have reason to believe the business between the keelmen and owners will be settled to-morrow; but, this will not render us secure, the reformers are now in a state of almost rebellion. I applied to lord Darlington,—the yeomanry are all under arms; four companies of the 40th marched here at four o'clock on Friday morning, and more come to-morrow. Post is going.—I am, my lord, &c.

A. Reed, Mayor.

No 68.—Extract of a Letter from Mr. Norris to Lord Sidmouth; dated Manchester, October 21, 1819.

My lord; From *every quarter* the universal information and opinion is, that the people are in a great measure *armed*, and are continually, and as quickly as possible, and as extensively arming. It is strongly surmised that pikes have been, and are sent from Birmingham in boxes, and I have put this matter in a train of investigation. I fear, also, my lord, it is but too true that many hundreds of small priced pistols have been sold in this town, within a very short period, and that the lower classes are purchasing them in great numbers. I have &c.

J. Norris.

No.69—Seven Examinations transmitted by the rev. Dr. Whitaker, a magistrate of Lancashire.

*Lancashire to wit.* } The examination of T. U. taken upon oath before me, the rev. Thomas Dunham Whitaker, clerk, doctor of laws, one of his majesty's justices of the peace in and for the said county, this eleventh of October, 1819:

This afternoon about four o'clock, I went into the smithy of Ralph Miller, in Mellor, in the said county, to inquire after my son-in law, who has run away from his master, who is a blacksmith. I found Ralph Miller and a young man at work at the forge; there were in the smithy about five or six other men, who appeared to be weavers; they were sitting, and seemed to be watching the smith's work. I inquired from Ralph Miller, whether he had seen any person answering the description of my son-in-law, whom I described? he said, he had not; one of the weavers said to me, he (meaning my son-in-law) is making pikes like these; at the same time this person took up an unfinished pike from the ground under the bellows, and showed it to me (I had before stated that my son-in-law's master was a blacksmith). Ralph Miller turned his head towards the man who had taken up the pikes, and smiled. I then inquired of Ralph Miller, if he could make me heels to my shoes? he said he could not, he was too busy. One of the weavers said, he (Ralph Miller) was too busy making pikes; another of the weavers asked me, if there were any pikes in our neighbourhood? I said I had not seen any, but I had heard that there were a good many coming to the Bolton meeting next Wednesday from Haslingden; one of the weavers answered, we know that. One of the weavers then asked me, if they would come with their pikes? I said, I had heard so; another of the weavers said, "and we will too." One of the weavers then took up another pike, which was nearly finished; I inquired the price of it; one of the weavers said it was a shilling; a young man, dressed like a weaver, who was using the large hammer for the young smith, said it was fourteen pence. I asked the young man who was dressed like a weaver, to sell it to me; but he said, I could not have one then, as they had none finished. I was in the smithy about an hour and a half, during which I had a good deal of conversation with the weavers and the two smiths, in the course of which one of the weavers said, there was no way for them but rising altogether. One of the weavers asked me if I thought there would be any thing to do at Bolton at the reform meeting next Wednesday? I said I could not tell, but that people were afraid there would be. Another of the weavers said, there would be bloody work: another said, they would not be, as they were at Manchester, unarmed; that they had a right to go to the meeting armed. The old man, Ralph Miller, was present during the whole of this conversation; he appeared to be rather deaf, and was busy at work during the greater part of the time, but he must have heard the whole, or a part of the conversation.

T. U.

Examinations of witnesses taken upon oath before me, the rev. T. D. Whitaker, &c. this, 12th of October, 1819.

U. V. in the county of Lancaster, deposes as follows: this forenoon, about half-past ten o'clock, in consequence of a request from * * *, one of the constables of Blackburn, I went into Mellor, which is about four miles from Blackburn, in company with V. X. to purchase a pike from Ralph Miller of Mellor aforesaid, blacksmith. In passing Ralph Miller's smithy, we saw a number of persons standing there, and, not knowing how they were disposed, we went forward to a public-house in Mellor, known by the sign of the Millstone, and called for two glasses of ale. I then sent V. X. to the smithy, to request Ralph Miller to come down to me, and to tell him that a person wanted to speak with him. In about a quarter of an hour or twenty minutes, V. X. and Miller came into the public-house together, and sat down in the room in which I was; no other person was in the room. I told Miller that I did not like

to call at the smithy, as we saw some men about; Miller said, you need not have minded that, for they are come about pikes. After Miller had been seated a few minutes, V. X. informed me, that he had mentioned the business to Miller. I then produced to Miller a small pistol, and asked him, if he could put me a screw in which was wanting? Miller took the pistol into his hand, and examined it, and asked me, what a pair of pistols such as that might cost? I told him, perhaps a guinea. I then asked him if he had any of the other articles? (by which I meant the pikes). He said he had some, but they were not ground up yet. I then asked him, how soon he could settle us up two? he said, he thought in about two hours; I then asked him the length of them? Miller then took up a tobacco-pipe, and showed me the length, which appeared to be about fourteen inches. I then asked him the form which they were in? he said, they were straight, and very sharp at the point, and well steeled at the small end, and made with a shank to fit into the staff, and that in that shank there was a hole to put a nail through to make it fast, I then asked him, if there were not pikes made with a hook? he said, he had made one, and the hook screwed in near the lower end, and the hook was flat and sharp, but they were not well liked, as the cavalry horses now had chains in the bridles, to prevent them from being cut, and the pike he had made in the form which he was describing, he had disposed of to a person in Blackburn, who put out pieces in Mellor for some manufacturer in Preston, and he believed that he had sent it to London, it was such a handsome one; that he had given him two shillings and tenpence for it. I then asked Miller what purpose they were to be appropriated to; he said, they were to charge against the cavalry. He said, he had made some hundreds of pikes, and a great many had gone into Harwood, principally to Harwood and Rishton, and all that he had by him made at present were eight, and he thought he should make no more, as he was afraid of being apprehended by the justices orders, but he did not see where they could have any hold of him; I answered, I did not know whether they had or not, but I desired him to take another glass of ale, and get these ground up for us, as we would wish to be off. In consequence of that Miller went away; I waited near two hours at the public-house, during which I sent V. X. twice to get Miller to make haste with the pikes. At the end of the two hours I went up to the smithy: I saw two lads turning a grindstone at the back of the smithy, and two men holding on two pikes, to polish or sharpen them. V. X. brought one of the pikes into the smithy, and gave it to me into my hand. I asked him if it was finished; the old man said, no, not yet; I gave it to him into his hand; he just rubbed up the edges with a file, and said it wanted whetting upon a stone: I told him never to mind that, we could do that when we wanted to use it. V. X. then went out and fetched the other pike, which he delivered to Miller, who rubbed up the edge of the pike with a file, and then went out of the smithy for a sheet of paper which he wrapped round each pike separately, and delivered one to me and the other to V. X. I paid him fourteen pence apiece for them, and two-pence for two hoops. I inquired of Ralph Miller, if it was likely that many persons would go out of that neighbourhood to the Bolton meeting? he said he thought a great many would go off that side. We then came away. The pikes now produced are those which I so purchased from Miller.

U. V.

Taken before me, T. D. Whitaker.

V. X. being sworn at the same time, deposeth as follows: I came from Burnley this morning, with T. U. and went with him into Mellor. We called at the Millstone. T. U. sent me up to Ralph Miller's to get him to come down to the public-house. I met Ralph Miller between the smithy and his own house; I asked him to come down; he said, what is your business? I told him that another gentleman at the public-house wanted to speak to him about some pikes; I told him there was a meeting at Bolton, and we meant to go. Ralph Miller then took me into his smithy, and showed me some pikes; I do not know how many there were; they were under the bellows in the smithy, covered with ashes. I told Miller that the gentleman at the public-house had a pistol which he wanted settling; Miller then went with me to the public-house. He sat about ten minutes in company with T. U. and myself. T. U. produced a pistol to Miller, and asked him if he could put him a screw in it? Miller looked at it a considerable bit, and asked T. U. what would be the value of a pair? to which T. U. said about a guinea. Then T. U. asked Miller if he had any pikes? Miller said, he had some by him, but they were not finished; T. U. asked him, how soon he could finish two? Miller answered, perhaps in two hours. Miller said, he had made a pike with a hook for a man who put out goods, and it had been sent to London, for any thing he knew, but that the other pikes were more liked, because the cavalry now had chains to their bridles. T. U. asked Miller what was meant to be done with these pikes? Miller answered, that they were to charge the cavalry with. There was other conversation between Miller and T. U. Miller went away to finish two pikes for us. When he had been gone away a few minutes, T. U. sent me up to the smithy to ask if the pikes were ready. As soon as I went into the smithy, the old man, Ralph Miller, ordered a young man, who appeared to be a smith, to take two pikes, and grind them directly; the young man took two pikes from under the

bellows. I and another man went with the young smith to the grindstone behind the smithy; the young blacksmith and another man held each one pike upon the stone, and two men turned the stone; one of the bystanders asked me who my companion was? I said I did not know. They asked me, if he was a speaker? I told them, I did not know. They then asked me, where we were going to? I said, I did not know whether Bolton or not. They told me, that a person who had been speaking in Yorkshire was missing, and they wished to know if this was he. They then wished me to go to a white-house, where money was gathered for the support of speakers; they showed me the house, which was about three hundred yards off, and told me they paid one penny a week there; I told them I durst not take any money, without acquainting my master. I then went down to T. U. to ask him if I must take any money? he said I must not, and I went back and told them so. I then went went into Miller's smithy, and remained there till T. U. came up. T. U. went into the smithy, and I followed him. I then fetched a pike from the young smith, and took it into the smithy, and gave it to T. U. who asked Ralph Miller if it was finished? Miller said it was not, and he took it and filed it, and said it wanted whetting. T. U. said it would do, he could whet it up when he wanted it. I then went and fetched the other; Ralph Miller filed it up. T. U. asked him the price, which Ralph Miller said was fourteen-pence a piece, and two-pence for the hoops; we paid him that price for them. The old man wrapped up the pikes in paper, and gave one to me, and another to T. U. and we then came away. The two pikes now produced are those which we so received from Ralph Miller.

V. X.

*Lancashire* } Examination of witnesses taken
*to wit.* } upon oath before me, the Rev. T. D. Whitaker, this 13th of October, 1819, against James Morris, and John Knowles.

X. Y. deposeth as follows: yesterday about eight o'clock in the morning, I went with Y. Z. to the house of the prisoner, James Morris, in Haslingden Grain. We got there about eleven o'clock in the forenoon; we found Morris at work in his smithy; he was mending some tools. I asked him if he had any winding machines by him? he said he had none finished off. I then asked him if he could have one ready by next Saturday week? he said yes. James Morris then asked the prisoner if he was for Bolton? he answered, yes, they could not do without him. Morris, the prisoner, then pulled out a pike head from under a quantity of turf in the smithy, and said, there is the winding-machine you want, I suppose? I said yes, that is the tool itself. He then pulled out two other pike-heads from the same place, and asked if those articles would do, and if we would grind them down ourselves? We then asked him the price of two of the pikes? he answered, three shillings, he could take no less. We purchased two pikes for three shillings. The prisoner Morris then looked at me, and said to Y. Z. that man has plenty of money; I answered, yes, I have a note. The prisoner then said, get shut of it as soon as you can, for it will be of no use to-morrow after Bolton meeting. He then asked me if I should be there? In the course of the conversation with the prisoner, he said, it is no use to go to Bolton meeting, without they took those tools with them to defend themselves; and referred to the Manchester meeting, which he called Peterloo. The pikes now produced are those which we purchased as is above stated.

Y. Z. and I then proceeded to John Knowles, of Rawtenstall. About three or four o'clock in the afternoon we called at the Wheatsheaf, which is a door or two from Knowles's smithy. In passing the smithy on the way to the Wheatsheaf, I saw Knowles at work upon the steady, hammering a pike. I sent the landlady for Knowles; he came in a few minutes. We gave him something to drink. Y. Z. asked him if he had any pikes? he said he had four, but they were not quite finished off. Knowles then went out of the house, and in about five minutes came back with a short man: the short man (whose name I do not know) brought with him several pikes, covered up in a wrapper. Knowles then sat down, and drank Hunt and Liberty, and Revenge to Peterloo Meeting. Another man came into the room, and produced a pike from under his coat, and said to me, this pike I have just got made for my son. Y. Z. took up the last-mentioned pike, and asked the price? Knowles said it was three shillings and six-pence. I asked Knowles if he had made it himself? he said he had, he had made many a score. He then asked me where I came from? I said, from Accrington. Knowles said there were many had gone into that quarter. We then bought two pikes, one of which cost two shillings and four pence, and the other two shillings. I then inquired of the landlord what the shot was? he said nine-pence. I said, I had but seven-pence halfpenny: Knowles said, I will give you three half-pence, reformers are not within three half-pence one to another. I then asked Knowles if we could go no way private; Knowles showed me the way to the back door; we came that way, and brought the pikes with us: they are the pikes now produced.

X. Y.

Y. Z. deposeth as follows: I have heard the preceding examination of X. Y. read, and the same is true in every particular. The pikes now produced are those which were purchased from the two prisoners as is above stated.

Y. Z.

U. V. deposes as follows: this morning at

two o'clock I set out from Blackburn, in company with * * *, a detachment of cavalry and others, for the purpose of apprehending James Morris of Haslingden Grain, and John Knowles of Rawtenstall. We reached the prisoner Morris's house at a little past three o'clock in the morning; we got admittance into the house and apprehended the prisoner, and then proceeded to search the house. * * * and I and some of the soldiers went up stairs; I found in a room up stairs, a pike head concealed under a lathe among the turnings; * * * then took a candle, and found two pistol stocks concealed upon a shelf near the roof; one of the stocks had a barrel let into it; in another room * * * and I found a box which was locked; we called out for a key; one of Morris's sons, a lad about 15 or 16 years of age, said the key was lost; I then attempted to break open the box; the lad then said to us, will you break it open? I told him we would if he did not produce the key; the lad then produced a key from his breeches pocket and delivered it to * * *; * * * opened the box, and in it we found about four pounds weight of leaden balls in an unfinished state. I afterwards found two poles, each about five feet long, put up a chimney in the same room, which appeared to have been intended for pike shafts: we then reached the smithy and outbuildings, and found in the smithy, close to the anvil, a piece of iron, beaten, which appears to have been intended for a pike head. We then sent the prisoner off to Blackburn, under the care of * * *, and * * *, to whom we delivered the articles found as above stated. The articles now produced are those which were found.

* * * and I and a party of soldiers then proceeded to Rawtenstall, to the house of the prisoner John Knowles, it was about five o'clock when we reached his house; Knowles was in bed; * * * called to him to get up; Knowles inquired who wanted him? * * * answered it was an old friend; Knowles called out, what are you for Bolton? * * * said yes; Knowles then came down stairs, partly dressed, and opened the door and was immediately apprehended: * * * accompanied him up stairs whilst Knowles dressed himself. I proceeded to search Knowles's smithy, and in a cupboard in the wall I found the socket of a pike head and a small pistol; I found upon a bench near the cupboard, a small box, containing the papers now produced, and which I have marked. One of the papers contains the letters "Hunt and Liberty," written in roman letters with a pen; another, the pattern of a pike; another is entitled at the top, "Rawtenstall Section, No. 1," and it is ruled in square columns, and contains several numbers: and another purports to be an epitaph on the constitution. We brought Knowles off, and I kept the articles which were found, as above stated, and they are those which are now produced. In our journey back to Blackburn I rode with the prisoner in a chaise; I had some conversation with him: I asked him if he had sold any pikes within this week or fortnight; he said he had not; but he said he had made several, and would make for any body who came to order them; he was only working for wages, and work was scarce; I then showed him the pike which I had found upon his premises, and asked him if he had made any of that pattern; he put one finger up the socket and said he had made that pike, but on examining it a second time he said he had not made it; it was a very clumsy, rough thing, it had been sent to him as a pattern; it began to rain, and I observed that I thought it would prevent many people from going to the Bolton meeting; he said he thought not, for they did not much mind being wet.

U. V.

* * * deposes as follows; I have heard the preceding examinations of U. V. relative to the two prisoners, read: so much of it as relates to me is true: during the time when I was with the prisoner Knowles up stairs, and while he was dressing, one of the soldiers said to Knowles, you are a clever fellow, you understand making pikes very well: Knowles answered, he could make a pike as well as any man in England.

* * *

Taken before me, T. D. Whitaker.

No. 70.—Letter from the Duke of Hamilton to Lord Sidmouth; dated Hamilton-Palace, November 6, 1819.

My lord; I have to acknowledge your lordship's two letters of the 1st and 2d of November, upon the subject of the yeomanry cavalry, and will endeavour to give every effect to the same; your lordship holding always in view, what I before said of the great difficulty attending it. To the natural difficulty attached to the situation of the farmer, &c. &c. in this country, there appears now a novel one, proceeding from the alarm excited by those who compose the various and numerous meetings in this district of country. In regard to the general state of affairs, your lordship has other sources of information, perhaps better than mine; but were I to venture to offer an opinion of my own, I should say that the state of men's minds is such, at this moment, that the most trifling irritation would lead to disturbance; and should any violence commence, there are no means nor should I be able to counteract it. As the meeting of parliament will occasion my absence from the country, ere long, I must repeat to your lordship, that this neighbourhood continues in a state of extreme distress—generally in want of employment, and under a considerable degree of agitation; all of which appear more likely to increase than diminish. If therefore your lordship should have any particular communication to make to me, or any directions to give connected with the public service in this country,

I am anxious to receive the same, before my approaching departure, which will probably take place in about eight or ten days. I have, &c.

HAMILTON & BRANDON.

No. 71.—LETTER from the same to the same; dated Hamilton Palace, Nov. 7, 1819.

My Lord; I yesterday communicated to the lord advocate, to be laid before sir Thomas Bradford, a letter that I had just received from a very respectable magistrate. He states that in his neighbourhood, the farmers, &c. &c. who were required to act as constables or volunteers, altho' well-disposed so to do, did not dare to come forward, on account of the menaces of their neighbours. I have again this day received a report, of which I have the honour to inclose a copy. Your lordship will see, that the alarm which prevails in their district precludes those gentlemen likewise from being able to procure signatures from the very persons who they are persuaded are disposed to sign. This part of the country is unfortunately surrounded by idle Irishmen, weavers and colliers, who create a general uneasiness; and if any means are to be carried into effect to separate the good from the bad, or to maintain order and public justice, it is requisite that the civil power, and the peaceable part of the population, should know how and where to find support and protection. I must recommend to your lordship's serious consideration the above important statement. I have, &c.

HAMILTON & BRANDON.

No. 72.—LETTER from a Deputation of the Parishes of Monkland inclosed therein; Parish of Old Monkland, 7th Nov. 1819.

My Lord Duke;—We the subscribers, the deputation from the committee of Old and New Monkland, for obtaining subscriptions to a declaration of loyalty, as well as for volunteer cavalry and infantry, beg leave to lay before your grace, as lord-lieutenant of the county of Lanark, the following statement with regard to these two parishes with which we are connected: that it is impossible to obtain a subscription to the declaration of loyalty with effect, or to obtain signatures for forming either volunteer corps of infantry or cavalry in the present disturbed state of the district, however anxious the loyal and well-disposed part of his majesty's subjects therein are, because of the apprehension they entertain from the ill-disposed and turbulent people with which they are surrounded: we, the subscribers, therefore, wish to represent the absolute necessity of having a rallying point, which we consider alone can be effective, by having a military force stationed at Airdrie, as the only proper place of rendezvous for that purpose: we therefore hope your grace will take the earliest opportunity of representing our statement to the secretary of state. We have, &c.

(Signed) DAVID BUCHANAN, Dep. Lt.
CHARLES PIE, Major-Gen.
JAMES TENNENT.

No. 73.—LETTER from the Earl of Glasgow, Lord Lieutenant of Renfrewshire; dated Hawkhead, November 9th, 1819.

My Lord;—On my arrival in this county I found that the tone of feeling and proceedings of the vast population of this neighbourhood were of a description calculated to excite the utmost alarm in the well-affected, and that the public mind was considerably agitated by the insidious and too successful promulgation of seditious principles, as well as by the late more open audacious attempts to interrupt the public tranquillity.—In this populous manufacturing district, revolutionary principles have made alarming progress. For a considerable period the utmost pains have been taken to spread a spirit of disaffection in this country by an unexampled spirit of proselytism, to perpetuate the evil by instilling the most pernicious principles into the minds of youth, and to obliterate all religious feeling in this once religious district. —The statutes for repressing seditious clubs and societies have induced the disaffected to conduct all their proceedings by committees, which are appointed at smaller meetings to manage the preparations for the larger; and a system of rapid communication of political intelligence and orders is organized, in which, what are called "Unions," hold a conspicuous place. These "Unions," which are daily becoming more numerous, consist of classes or subdivisions of Reformers, who hire an apartment convenient for their local residence, where they procure newspapers and pamphlets of a seditious tendency. Notwithstanding the distresses of the times there are few operative manufacturers who do not find the means of reading such publications.—The assumed right of mustering from various quarters to the point of meeting, with banners, bearing seditious symbols and inscriptions, or with inscriptions, which, though unexceptionable in the abstract, are made to serve the same purpose, has swelled the ranks of the disaffected, in consequence of the temptations which are thus afforded to idle curiosity; and the impunity with which this is done has added to the effect which the speeches delivered on such occasions have on the minds of hearers already discontented, and pre-disposed to listen with eagerness and credulity to the prospects of innovation so confidently held out to them. —Three of these meetings have been held within the last three months in the county of Renfrew. The second of these held on the 11th of September, was followed by disturbances which continued for three days before they were effectually suppressed. At the last meeting, held on the 1st of November, at a village some miles distant from Paisley, numerous flags were carried in procession, bear-

ing inscriptions calculated to convey alarm into the minds of the well affected, and inspire those of different dispositions with confidence in an impending revolution.—There were also at this last meeting, two important features which had not been witnessed in those by which it was preceded—the junction of bands of females as part of the exhibition, and the display of arms. The ostensible arms were chiefly bludgeons, but it is well known that many were prepared both with pistols and other weapons. Both in proceeding to the place of meeting, and in returning from it, there was a striking exhibition of movements executed in the streets of the town by several thousand persons, with military precision, silence and order. The pretence alleged for arming was self-defence, and this precautionary measure was said to have reference to the late events at Manchester, and to the exertions of the special constables and military in quelling the riots which commenced at Paisley on the 11th of September. —While these public meetings, thus held with a display of banners and arms, serve to inspire the disaffected with confidence in their numbers, they overawe and intimidate many who would otherwise have disclaimed seditious principles, and have gladly arrayed themselves in aid of the civil authority.—Even the special constables who have been enrolled, and provided with batons for the preservation of public tranquillity, feel reluctant to act with that vigour which is necessary.—There is not, at present, in this county, any corps of yeomanry cavalry, nor armed association of any description whatever, to counteract these menacing preparations, nor any suitable accommodation for the reception of regular troops, so that they can be kept united when called on by the civil magistrate, or saved from that contamination of principle, which is also an avowed object among the reformers. —On the whole I think it my duty explicitly to state to your lordship, that while the reformers of this district call out "Order" at their meetings, and can systematically preserve it too when it suits their policy or humour, their public harangues are of the most audacious and revolutionary description: the expectation of a subversion of the government is so deeply rooted in their minds, that whenever a leader shall arise, or a favourable moment occur, I fear a considerable portion of the population could not be depended on.—I have been induced to enter more fully into the situation of this county, as I believe the above will not be found an inaccurate representation of the management and proceedings of the reformers in some other disturbed districts of the west of Scotland. I have, &c.

GLASGOW.

No. 74.—EXTRACT of a Letter from Colonel Horton to Mr. Hobhouse; dated Halifax, November 9, 1819.

Sir;—It was expected that great numbers of persons would from here attend the meeting at Huddersfield yesterday, but it was thought sufficient to close the alehouses at eight o'clock. It does not seem to me, however, that a most outrageous breach of the peace was effected last night here. In truth, all we can expect is, that on the next occasion, absolute plunder and destruction of property, and perhaps of life, will be the consequence. This is the natural and obvious march of the spirit that pervades this part of the country. I inclose for lord Sidmouth's information, copies of the examinations I have taken. It is my intention to apprehend the parties, and if the complaint be proved, to commit them, or hold them to bail to answer at the next assizes.

THOMAS HORTON.

No. 75.—Two Examinations inclosed therein.

*West Riding of Yorkshire,* } John Brierly, Deputy Constables of Halifax, came before me this 9th of November 1819; and on oath saith,

That near eight o'clock last evening, he met many hundreds of persons near to Barum Top in Halifax, coming, as he believes from the meeting at Huddersfield; that they marched in ranks about eight or ten abreast, with music, and six or seven flags, and lighted candles; many of them had sticks, some large ones on their shoulders; that at Barum Top they shouted, and fired many pistols in the air; as they went on, he thought they became more riotous, repeating their fire quicker, and he thought it his duty, though quite alone, to attempt to preserve the peace of the town: that with this view he went to the man who had the great drum, and rapping on it with his constable's staff, charged him to cease playing or beating, saying, the town must not be disturbed in that way: that the drummer did cease to beat, as also the band in general, in a great degree; marching down the street, the firing went on again, also the music. Near the White Lion-inn, deponent received on his right leg a very severe kick, which nearly took his legs from under him; he is certain that Joseph Baines, of Halifax, is the man who so assaulted him, and ran away directly, threading backwards and forwards through the ranks, and that he must have known deponent; Baines was close to him, and deponent following him, till he was perfectly certain who it was; deponent then went down the street with the crowd, the band playing all the way, and pistols being fired, and loud shouting made: deponent says, the street down which the crowd marched, is the most public one in the town, and they must have marched about half a mile through it, reckoning from Barum Top to the Talbot; that seeing the crowd halt at the front door of the Talbot, he ran round to the back door, and went in to get the front door fastened: that a few of the mob had already entered the house.

That in going down the street he saw Joseph Wood, the son of James Wood, of Halifax, mason, and John Ingham, jun. of Halifax, plasterer, marching in the ranks of the mob; that he cannot say who it was that fired any of the pistols; that he left the mob at the Talbot door shouting and firing pistols, and went himself to have the alehouses near it shut up.

JOHN BRIERLY.

Sworn before me, Thomas Horton.

*West Riding of Yorkshire.* } Mr. David Mallinson, of Halifax, clerk, came before me this 9th day of November, 1819; and on his oath says,

That near eight o'clock last evening, he saw a large crowd of persons go down the main street of Halifax with lighted candles, a band of music and flags, shouting very much and firing pistols; that he followed them to the front of the Talbot-inn, where the crowd halted, the door being fast; that they marched in regular order: that he observed Joseph Roberts, of Halifax, nail-maker, on the Talbot steps, speaking to the crowd, beginning by calling them brothers or countrymen, or some such term; that he does not know exactly what he said, but thinks the object of his speech was, to call on the crowd to thank the band for their attendance, also saying something about radical reform; that he saw Roberts that morning going towards Huddersfield with a stick in his hand, not a yard long, like a cudgel, but does not know whether he had it at night.

D. MALLINSON.

Sworn before me, Thomas Horton.

No. 76.—EXTRACT of a Letter from Mr. Norris to Lord Sidmouth; dated Manchester, Nov. 10, 1819.

My lord;—The state of this town and neighbourhood remains much the same as when I last wrote to your lordship. On Sunday last between six and eight o'clock, a pistol loaded with ball was fired into the lodgings or sitting room of a Mr. Mutrie, who gave evidence before the coroner on the inquest of John Lees, as to the attack of the mob on the Manchester yeomanry. On Monday night, about eleven o'clock, a pistol, loaded with slugs, was fired into one of the bed-rooms of Mr. Thomas Hardman's house, in Quay-street; but fortunately, without injury; and two or three other instances of the firing of pistols, with malicious intent, have also occurred. I mean ultimately to collect the instances, on oath, for your lordship's information. I much fear they will increase before the meeting of parliament, and most likely in a degree to call on the legislature to interfere. Meetings still continue to be held, though not in this immediate neighbourhood; one was held at Wigan, about twenty miles distant, and another at Huddersfield, distant twenty-six miles, on Monday last, both large meetings. I have, &c.

J. NORRIS.

No. 77.—EXTRACT of a Letter from Dr. Whitaker to Lord Sidmouth; dated Blackburn, Nov. 10, 1819.

My Lord;—I have thought it expedient to transmit to your lordship, drawings of different pikes, which have been seized in this neighbourhood, for the purpose of removing the incredulity which even yet seems to prevail in some minds as to their existence. I must now request your lordship's attention to another subject of immediate and urgent importance. It is the general opinion, that the spirit of the reformers, as they entitle themselves, is on the decline; an opinion grounded solely on their present quiet and silence. I have strong reasons for thinking very differently. For, in the first place, pikes continue to be made and circulated daily, in different parts of the country, and with perfect impunity, as, in consequence of former seizures, the makers will sell to none but known friends, and will enter into no conversation with strangers (excepting in a single instance) on the subject. I have, &c.

T. D. WHITAKER.

No. 78.—EXTRACT of a Letter from the Earl of Balcarres to Lord Sidmouth; dated Haigh-hall, Wigan, Nov. 11, 1819.

My Lord;—One of the seditious meetings, the nature of which I need not describe, was held on a common, distant about two miles from Wigan, on Monday the 8th instant. Its object was evidently to feel for the disposition of the inhabitants of Wigan and its vicinity. About six thousand persons assembled round the temporary stage, and probably about four thousand persons more were present, but they remained at such a distance as showed that curiosity alone had led them to that spot. The meeting was held at the requisition of some low persons of Wigan, but they were joined on the common by the dangerous rabble of Bolton, who were all armed with bludgeons, and rumour says, with arms, chiefly loaded pistols, which was manifested by the explosion of them towards the close of the day. Harrison addressed them from the stage or platform. The mob carried eighteen flags, with the usual symbols of sedition: they had selected the day of the quarter sessions being held at Liverpool, for their meeting; but the magistrates of Wigan and its vicinity were aware of that trick, and remained at their post. The magistrates were seven in number, myself being their chairman, which has induced me to trouble your lordship with a communication of the events of the day. Sir William Gerard, with thirty-nine of his yeomanry cavalry, being the effectives of two troops, attended Wigan at the requisition of the magistrates. As the leaders had selected a large common for their meet-

ing, the magistrates thought it advisable not to interfere with them, as, situated there, they could do no mischief; and they thought it quite sufficient to send to the spot a body of special constables to preserve the peace and order; the magistrates, yeomanry cavalry, and the superior class of the inhabitants of Wigan, remained in the burgh, awaiting the result. In this position the magistrates rested, having determined, that as the meeting of parliament was so near, they would pay no attention either to the leaders or their flags, and the day passed away with the greatest order and tranquillity. I have, &c.

BALCARRES.

The following is an extract from the speech of Mr. Harrison, on Monday the 8th of November, 1819: "If any man molests you, or oppress you, knock him down—keep him down—and cut him when he is down." It has been inculcated here, and with too much success, that the people have a right to carry concealed arms, for the purpose of self-defence, against the disturbers of their meetings. B———.

No. 79.—LETTER from the Boroughreeve and Constables of Manchester to Lord Sidmouth; dated Police-office, Manchester, Nov. 12th, 1819.

My Lord;—We have the honour to commence our official correspondence with your lordship on a painful and alarming subject—the attempted assassination of Mr. Nadin—an event which we understand was communicated to your lordship, by Mr. Norris, the evening it occurred. By the posting bill herewith inclosed, your lordship will be informed of the measures which we have adopted: and we beg leave to submit to your lordship's consideration, the propriety of offering a pardon, on the conditions proposed. Up to the present time, we regret to state, that we have not any further information on the subject, than the description given by Mr. Nadin; but every exertion will be made for the discovery of the offender. We have not hitherto addressed your lordship on the political state of the town and neighbourhood, having been informed that Mr. Norris has regularly communicated the passing events. On this important subject we regret that it is not in our power to report favourably. The system of arming is continued to a great extent, and although it does not appear to be the intention of the reformers to hold a general meeting previous to the assembling of parliament, from the best information we can obtain, we learn that arrangements are making for delegates, or agents, to attend and watch the proceedings of parliament; and in the event of measures being adopted, which they may consider inimical to their views, then a signal to be given for an immediate simultaneous rising. In a few days we hope for further information, which we will immediately communicate to your lordship, as well as the particulars of other information, which we have obtained periodically, during the present week; and which, we trust, will be acceptable. We beg to assure your lordship, that, during this eventful period, our utmost attention and exertion shall be devoted to preserve the peace of this town and neighbourhood; to aid which, we rely on the cordial support of his majesty's government. We have, &c.

THOMAS SHARP, Boroughreeve.
JOHN ORFORD, } Constables.
RICHARD SMITH, }

No. 80.—EXAMINATION transmitted by Col. Hargreaves, a Magistrate of Lancashire.

*Lancashire to wit.* } The Examination of ****, taken upon oath, before Laurence Halsted, esq. one of his Majesty's Justices of the Peace in and for the County of Lancaster, the 15th November, 1819.

On my arrival in Burnley this morning, I found colonel Hargreaves on horseback, and all the military in readiness. The reformers were coming with their flags, caps of liberty, and bands of music. They had with them large staffs and sticks. I went to the Bull public house, and shortly after the colonel came with one of the staffs in his hand, which he had taken from one of the reformers. It was the shaft of a pike. The man broke from him, and escaped in the crowd. The colonel was desirous not to call the military out to action on this circumstance alone; for he said to me, that if the reformers were quiet, the magistrates would suffer them to meet. I saw the reformers pass by the Sun orderly and quietly, and I followed them to the place where the hustings were erected; and then my friend and I found all those who had staffs and sticks with them, employed cleaning out the hole at the end, to admit the pike, for they were all of them shafts for pikes; they cleaned out the gravel; they had used the sticks and staffs to walk with, and they were full of dirt and gravel, which they picked out with the shaft end of the pike. They generally had the pikes in the sleeve of the coat, and some had them concealed in their breasts. I saw a great many pikes on the ground. They were not so very cautious in concealing them; a many showed them without fear. The pikemen were nearest to the hustings; and behind them there were a many who had pistols; I saw a great number of pistols on the field. I saw one person who was wounded by one of the pikes being accidentally thrust against his leg. Whilst writing this, a person came into the room, and said, that he had seen a man who was cut in the breast by his own pike. The shafts of the pikes were hooped with iron hoops, like that which the colonel had taken. On the hustings there were about thirty persons, all of them strangers to me except Knight, who wore the red cap of liberty on the hustings, and was chairman, the

sailor boy (or Walker) from Manchester, and George Dewhurst of Blackburn. They had eighteen flags and three caps of liberty: on one of the flags was wrote, Fitzwilliam and the Yorkshire Reformers; and on one of the caps, Liberty or Death; which, in particular parts of the orators speeches, was hoisted aloft on its pole, and then dropped again, and taken off. The speeches of the orators were such as are generally made at the meetings of the reformers, holding up the ministers and magistrates, and officers of justice, to contempt and ridicule.

The number of reformers was very great; I measured the circle they occupied round the hustings; it was 150 yards; and I judge, that if all who were on the outside of the circle had been in it, they would have been as close as it is possible for men to stand. The most striking of their resolutions is, that which called upon them to oppose the measures of parliament, if they should attempt to pass any bills which should control their liberty of meeting; it called upon them to rise and oppose such things, and all those who were for them; and the passing of such bills should be the signal for universally rising. This resolution made a particular impression on the minds of the reformers; they all evinced a determination to oppose all such things. On the breaking up of the meeting, they separated into two bodies; one came to Burnley, and the other went a different way. They remained a long time in the road and fields adjoining where they separated, and then they began to discharge their pistols, swearing they should like to have a dust with the soldiers before they parted. They fired scores of pistols in the road, whilst they were there. I left them before they separated, for I was afraid they would do something that would bring out the soldiers; and all the way to Burnley (for the meeting was about half a mile from the town) as I walked on, I heard hundreds of pistols discharged in all directions. It resembled Manchester and its neighbourhood, on the night of a 5th of November, for firing in all directions as they went away. Mr. Knight did not stop in the lane, but went on to Burnley with the other of his friends; and the firing did not commence till he had left them in the road. They appeared anxious for the soldiers to come; happily they did not: for if they had, the mischief would have been serious on both sides. On coming into Burnley again, I saw the military posted in various parts of the town, and colonel Hargreaves in attendance at the Bull public house. My friend and I, when we had seen the pikes and pistols round the hustings, we went in search of colonel Hargreaves; we did not find him, but left a note for him, that if they wished to make a seizure of pikes and pistols they might take a great number, for all who had sticks or staffs had pikes in the sleeve of the coat, or in the breast, for we had seen a great many, and they were all like that which the colonel took, hooped at the hole end with a strong iron hoop. As soon as night came on, the town was thrown into alarm by the fire bell. I immediately heard the bugle sounding for the military. A cotton factory had got accidentally on fire; but was soon put out, without doing much damage. Whilst I was on the field, I heard a great many say, that if the colonel, that devil, came, they would give him enough; and intimating, at the same time, that they would put him to death. If he had brought up the soldiers, they could not have acted, from the particular situation of the ground. The field is a three-cornered one, with high hedges and walls near it. ******

Sworn before me, one of his Majesty's Justices of the Peace, in and for the said County, 15th November, 1819

Lawrence Halstead.

No. 81.—Extract of a Letter from Sir John Byng to Lord Sidmouth; dated Pontefract, November 18, 1819.

My Lord;—I have the honour to report to your lordship the result of such information as I have received in the several journies I have made since I left town, and from creditable authority in other places. It appears certain that simultaneous meetings had been agreed upon to assemble on the 1st of this month, at Newcastle-upon-Tyne, at Carlisle, at Leeds, Halifax, Huddersfield, and Barnsley in the West Riding of Yorkshire; at Manchester, Bolton, Wigan, Blackburn and Burnley in Lancashire; at Newcastle-under-Lyme, at Nottingham, at Leicester, and at Coventry. I have heard other places named, but not from such authority that I can name them in this report; nor do I mention the meetings in London, in Scotland, and in places not in the counties composing the district in which I hold the military command. As meetings had very lately been held in almost all the above-named towns, those agreed upon for the 1st instant must have had some particular object in view. Although a schism among the leaders has prevented these meetings, yet in Lancashire and some few towns where disaffection has long prevailed, no difference appears, and the numbers of discontented remain undiminished; but in places where it is of less mature existence, a most desirable check, from various causes, has been effected; but it would be fatal to its annihilation in them, if there was yet any relaxation of our attention, and of means to suppress it entirely: a similar false security at times within the last three years, has brought disaffection to its present height in Lancashire, the vigilance of the civil authorities in it having ceased upon every short period of quiet. A plan has been adopted to circulate more generally seditious and blasphemous tracts, which is to send gratis such publications weekly, directed to the servants in large fami-

lies, which I think worthy of mention, not merely to show how indefatigable the authors and leaders of sedition are, in effecting their purpose, but that it may be thought expedient to put the heads of families upon their guard. Six different attempts have come to my knowledge to seduce the soldiers, but without the least effect; some of them are under legal investigation. I have only further to add, that whatever disunion may prevail among the leaders of sedition and radical reform, they still unite in the endeavour (though I hope with less success) to excite irritation and discontent among their followers, and to intimidate the loyal and well-affected. With a firm belief in the accuracy of the foregoing statement, I consider it my duty to make this report. I have, &c.

JOHN BYNG, M. General.

## HOUSE OF COMMONS.

*Friday, November 26.*

REFORM IN PARLIAMENT.] Lord *John Russell* recalled to the recollection of the House, the notice which he had given towards the close of the last session, relative to certain Resolutions, which it was his intention to propose, affecting the borough of Grampound. As it was his present intention to give these resolutions a greater comprehension, he rose for the purpose of renewing that notice, and fixing the 14th of next month for the discussion. He had not yet prepared his resolutions in the precise terms, but their purport was, 1. That it is expedient the borough of Grampound should be disfranchised; 2, that it is expedient the two parliamentary seats now attached to that borough should be transferred to one or two of our populous and unrepresented cities; 3, that it is the duty of the House to consider of the best means to prevent corruption in the smaller boroughs; 4, that when the majority of the voters of a small borough should be found corrupt, that borough should be disfranchised; 5, that it is expedient to add to the number of representatives for large and populous cities. In moving these resolutions, he did not mean to propose a regular plan of parliamentary reform. This notice arose solely from the inquiry conducted last year into the state of the borough of Grampound, and might be considered as its result. A defect had been found in the national representation, which it was his object to correct, and he trusted the House would treat the subject with all the attention which its importance deserved.

ADDRESS ON THE PRINCE REGENT'S SPEECH AT THE OPENING OF THE SESSION.] Mr. Somers Cocks brought up the Report of the Address on the Prince Regent's Speech. On the motion that the said report be agreed to,

Sir *Robert Wilson* rose. He expressed his disinclination to renew a subject which had been for two nights so fully discussed; but it was a question of such national importance, involving principles and consequences so essentially connected with the public welfare and tranquillity, that he felt it an indispensable duty to state his opinion upon it. In appreciation of the blessings enjoyed under the British constitution, he was as sincere as any man in that House; and to the eulogium passed upon it by the hon. member, who moved the Address, in a speech which evidently was the dictate of his own conviction, and not a mere echo to the communication from the throne, he as warmly subscribed. But it had been said, that Paradise was a place with many gates; and in directing the efforts of men to arrive there, too frequently had it happened, that fire and sword were used by those to whom religion should have communicated a purer and more congenial spirit. In politics, as well as in religion, he was one of those who never would meet with coercion those who might differ in opinion as to what they considered the privileges and the rights of that constitution. He was no radical; he objected to the vote by ballot, and thought it inconsistent with universal suffrage: he objected no less to universal suffrage, because if it existed, many of the institutions he had been sworn at the table to support could not be maintained. Yet he did not on that account think that radical reformers were to be placed out of the pale of the constitution. His objection, to their system should never lead him to act upon the Tory doctrine of putting down and coercing those from whom he differed. Such, however, was too frequently the spirit of high Tory politics, and was well pourtrayed in "The History of Lord Russell's Own Times," by sir R. L'Estrange, where he stated, that a citizen's skull was a pretty thing to try the temper of a soldier's sword on. With respect to the meeting at Manchester, it was undoubtedly a meeting of Radical Reformers. Much had been said of its legality and illegality by many of the hon. members who had preceded in that discussion; in-

deed, he that spoke now could only pick the gleanings which remained, after the rich harvest of eloquence and argument which adorned and illustrated the debate. If we put ourselves in the situation of the persons in question, we should be inclined to parody the lines of the poet, and say,

"The realm is not my friend, nor the realm's law:
"The realm affords no law to make me rich—
"My poverty and not my will offends."

As to the flags and their devices, an hon. baronet had given that part of the imputation a most decisive and satisfactory answer. By one right hon. and by one learned gentleman, it was contended that numbers constituted illegality. Against that doctrine he solemnly protested. The principle was unknown to the law—it was falsified by the usage of that House. Did he not speak within the knowledge of that House, when he reminded it, that when, on important occasions, petitions were presented by members from public assemblies, the members who presented them uniformly took credit for the numerous attendance of those from whence the petition emanated. He protested against its recognition as law, on the conviction, that, if such a principle were reduced to practice, the right of petition would be destroyed, and what were called the public meetings of the people of England would degenerate into close vestries. But if there was no proof of the illegality of the meeting at Manchester, there was ample evidence that the great body of the people who assembled there had no intention to commit any breach of the peace. They gave that guarantee by the presence of their wives and children; unless, indeed, it was to be argued, that, like the people of an ancient nation, they took with them to the scene of contest those pledges of nature, to animate their ardour, and to invigorate their despair. But there was, in the very disposition of the local circumstances, a proof undeniable that they assembled there with no intention of riot. Was it to be supposed, that if riot or rebellion was contemplated, those persons would have put themselves into a situation where escape was impossible? As they stood on the ground, with detachments of military on every side to hem them in, they were literally in a *cul de sac*—in a mouse-trap, as it were. Was that the position rioters would have selected for resistance? Escape was impossible, and they were obliged to place themselves at the mercy of the yeomanry. Admitting that the people were acting illegally, that was no reason why they should be cut and trampled down; and all would have been peaceable but for the orders of the magistrates. Nadin himself, the most obnoxious man in the town, admitted that he had received no insult. He did not mean to say, that the magistrates might not have acted on the act of George 1st, in the dispersion of that meeting; but they were bound, if they so acted, to abide by the provisions of the law. The law was tender of the subject's life; it was only in the last extremity that it enforced its penalty.—If the military, as had been stated by the noble lord opposite, acted upon their own discretion, without the orders of the magistracy, they incurred a great responsibility. There was not a more estimable officer in the British army than colonel L'Estrange, whom he knew well, but if he acted on his own discretion in ordering a body of cavalry to advance on men, women, and children which he did not believe, he incurred a great responsibility. His honour required that the subject should be investigated. The yeomanry might have been provoked beyond patience; but that fact, and many others, did not yet appear, though it might if proper evidence were adduced. At present they remained under heavy imputations, and he held in his hand a letter from an individual, on whose veracity he could safely rely, who had himself examined and relieved 121 cases of wounds and injuries, and yet had not seen half the whole number. In a few days he expected to be in possession of a perfect list of the wounded and maimed; and he should be happy to communicate it to ministers, that they might ascertain whether any imposition was contained in it. As to the stress laid upon the rejection of the bills by the grand jury of Lancashire, he believed that they threw out the bills from a misconstruction of their powers, and not from any decision on the merits of the case. The most lamentable part of the whole proceeding, was the precipitate approval of his majesty's ministers. The moment government identified itself with the magistrates by the vote of thanks, the nation did conclude, and had a right to do so, that it identified itself also with the system. In the answer of the Prince Regent to the city of London not one expression even of regret

was inserted, while the letters of Mr. Hay and general Byng contained sincere lamentations over the unfortunate occurrences. Every thing showed that ministers intended to pursue a system not of conciliation, but of coercion; founded upon the fatal mistake, that the king of France might have preserved his life and his throne had he adopted measures of greater vigour and firmness. He differed from that opinion; and he had the authority of those who had the best information on the events of that day, that a system of greater severity would have aggravated the horrors of the French Revolution. Coercion had lost Holland to Spain, and St. Domingo to France. If disaffection existed, it arose from misery; and ministers, who acted in so unchristian a spirit as to refuse political liberty to the Catholics on account of religious tenets, ought to be the last to complain that irreligion prevailed in the country. Under all its afflictions and inflictions, the people had evinced unparalleled forbearance. They felt as men and as Englishmen, but they had mastered their resentments, and conquered some of their most inveterate habits. In time of peace they were now called upon to support additional forces; all would be ineffectual, for they dreaded much more the evils they felt than the arms that menaced them. A system of conciliation must be adopted sooner or later, connected with that reform which an enlightened judge on the bench had declared would extirpate corruption from the House, and restore confidence between the people and their representatives. Then might it be said of Great Britain—"Nemo enim illic vitia ridet; nec corrumpere et corrumpi sæculum vocatur."

Mr. *George Lamb* said, that his wish was, according to the ordinary courtesy of the House, to have given precedence, after the speech of his hon. and gallant friend, to any gentleman on the opposite side who was anxious to address the House; but having in vain waited for the two previous nights of the discussion for an opportunity to present himself to his notice, he seized the present moment of doing so. One advantage at least had arisen from the adjournment of the debate, that the people would see that notwithstanding the discussion of a former night on what he supposed he must now call the fancied outrage of Manchester, their complaints were at least not dismissed without full discussion. It was rather extraordinary, that while so much labour was exerted to besiege the throne with protestations of loyalty and attachment, an indisposition was manifest to advert to those admitted distresses to which, even in the papers before the House, the discontents of the manufacturing districts were to be attributed. Those distresses were merely glanced at in the address, with the expression of hope that they were temporary—a hope which rested on no avowed, no reasonable grounds. He wished to avoid entering at large into the subject of the proceedings at Manchester, which had so long and so painfully occupied the attention of the House; but there were two circumstances to which he was desirous of alluding (having some means of procuring accurate information), and on which he was distinctly at issue with the noble lord opposite. It happened that he (Mr. Lamb) was near the spot soon after the memorable 16th of August, and from all the information he was able to collect, he decidedly disbelieved the two circumstances stated by the noble lord. He was convinced, first, that no interruption was given to any magistrate in reading the Riot act; secondly, that no attack or resistance was made to the yeomanry, until the latter had raised the cry of "Have at the flags." This, however, was the time when bold assertion was substituted for inquiry. What one party asserted the other might contradict; and thus they were not likely to come to any conclusion on solid grounds. He hoped that the truth would be elicited, and, when it was, he would cheerfully retract his opinion, if it were an erroneous one; a course equally candid he should expect from the noble lord. A retraction on the part of the noble lord he should be sorry for, because it would go to the crimination of the Manchester magistrates; but he should be glad if circumstances were adduced which would justify a retraction of the opinion he had imbibed, since it would operate as an exculpation of those individuals. He was desirous to call the serious attention of the House to the appalling circumstances in which the whole country, but more especially the town of Manchester, was placed, in consequence of the refusal to inquire into the late proceedings. They were not now to be told, that great irritation existed on the part of those whose friends or relatives had been killed or wounded on that occasion; but even the individuals who had lost their

dearest connexions, even the parents who had now to support the maimed offspring, from whom they formerly derived subsistence, even those persons, he believed, notwithstanding the efforts of the turbulent and seditious demagogues, who endeavoured to inflame the minds of the people at public meetings, had looked forward with some degree of confidence to the meeting of that House. They had indulged themselves in the hope, that parliament would meet and inquire into the whole of these proceedings for the purpose of affording them redress; but now they were to learn that that hope was fallacious, that they were to be disappointed in their honest expectation. What, then, would they first have recourse to? They would look to the debates of that House, and there they would expect to find some decided reason promulgated, some important circumstance stated, which would prove that inquiry was unnecessary, or mischievous. But what had the noble lord said? what had he, the polar star, by which the majorities of that House guided their course, thought proper to declare? He had told the House, in an after-statement, that the magistrates ordered the military to disperse the people; but he had not ventured to say, that they directed violence and cruelty to be exercised. Many observations were made with respect to the policy of employing that species of force denominated yeomen; but there were other considerations connected with this part of the subject, which had been but lightly touched on, and which he would briefly notice. The regular soldiery had no home but where they were ordered; in the event of any conflict with the populace, their removal put an end to all vindictive feeling. But a yeomanry force were connected by local circumstances with the place—they could not withdraw themselves—there they were doomed to live, held up to the abhorrence of the lower orders, for the act in which they had been engaged. These were sad reflections, and he would on that point say no more. The people of Manchester were told, that although inquiry was refused in that House, yet an indictment was preferred against Hunt; they were informed that they might look to that proceeding; they might attend to the progress of that trial, and there they would find a full justification of all that had been done. The people would naturally ask "who are the prosecutors of the indictment?" The answer was, the magistrates,—the very persons who were parties in the transaction complained of. In what he was going to observe, he was sure the attorney-general would not suppose that he had any intention of throwing a shade of doubt on the purity and propriety by which his conduct would be guided. But he would suppose this indictment to be preferred against a number of persons, A. B. and C., by a common prosecutor. If that prosecutor could not make out the case, without stating facts that must criminate himself, he would ask whether it was not very likely that he would let those persons escape, rather than disclose such facts? That was the point of view in which he could not help considering those prosecutions. The legal gentlemen on the other side of the House ought to have stated on what particular ground this transaction was to be brought before a legal tribunal, instead of being subjected to a general inquiry in that House. One thing was most certain, namely, that with respect to his majesty's ministers, no inquiry here or elsewhere could justify the part they had taken. Between the conduct of the magistrates and the yeomanry there might be a very great difference one of those bodies only might have acted improperly, and the evidence of the one might exculpate the other. But ministers had embraced the whole case, they had identified themselves with it, and which ever party was guilty, they could not be innocent. One passage in the papers before the House, showed that the people could not procure redress by any proceeding at law. It was there stated, that the distress and pressure of the times occasioned those meetings. If it were so, and no man could doubt it, how could those distressed impoverished people go into a court of law to seek redress for the injuries that had been inflicted on them? The answer was, that a subscription was set on foot in the metropolis for that purpose. It was most extraordinary, that this subscription, which had been spoken of by the ministerial press as the off-scouring of the Jacobin purse, should at length be recognized as the only means by which the people had a chance of procuring legal redress! Under the sanction of the gentlemen on the other side, who had disclosed this fact, guided and directed by them, he should now, most certainly, contribute his mite to that sub-

scription; and, in his opinion, those gentlemen were bound in justice to contribute also. They stated, that a court of law was the only place in which redress could be obtained, and he thought they ought to afford the means of attaining it. In those who censured the late proceedings, to subscribe was an act of humanity and kindness; but with respect to the individuals who approved of them, it was nothing more than an act of justice and consistency. Gentlemen opposite might laugh, but he was perfectly serious. If they disliked the subscription which was now in progress, and would not give any thing in aid of it, they might set up a subscription of their own, and he would assist it most willingly. He thought it would be very well worth the while of the majority of that House to show, by a liberal contribution, by a free use of their purses, that they entertained a degree of feeling and sympathy for the sufferings of the people, which their vote seemed to imply they did not possess. He should not be doing his duty if he did not point out to ministers some means by which the ferment in the public mind might be allayed. He was opposed to violent measures, and besought ministers to have recourse to kindness and conciliation. With respect to the Manchester magistrates, it had happened to him to have lived for years in connexion with that body. He was acquainted with some of them, who, he would say, were most respectable men. Of one of them, his learned friend Mr. Norris, the resident stipendiary magistrate, he could declare that, in his opinion, a more kind-hearted man did not walk the earth. If the proceedings of the 16th of August were authorized by him—if his judgment were not overruled by the opinion of those with whom he acted—then must Mr. Norris have changed his nature on that day. The House had heard complaints of the seditious press; but it was not surprising that strong language should be used by the press when circumstances of a most unprecedented nature had taken place. They had seen proceedings before the coroner carried on in a manner perfectly novel. Those proceedings had terminated for the present, and certainly demanded investigation. They had also witnessed another very extraordinary circumstance; they had seen a magistrate taking on himself the two distinct offices of judge and jury. A person complained that he had been wounded by a shot from a pistol: the magistrate heard both sides, and declared the accused party to be innocent. He should be surprised, indeed, if any legal gentleman, in or out of that House, would venture to say, that the case of Meagher, the trumpeter, whatever defence that individual might have made on his trial, was an unfit one to be submitted to a jury for their decision. He implored ministers to exert every means by which the irritated feelings of the people might be soothed—to restore that even balance of justice which once distinguished this country; or, at least, not to suffer it to be wanting in appearance, if it did not exist in reality. Next came the consideration of the measures that were to be adopted. The House was, it seems, to be called on in a time of peace, to increase the military forces, and to agree to coercive bills of various descriptions. It would be wonderful if, in the course of the debate, they had not heard any observations on the glories of the late war. It was now time, he conceived, that they should have something to say about the blessings of peace. Barren, naked glory, however showey and attractive, never could be considered a sufficient exchange for the welfare of a great nation. What had the late glorious war produced? It had procured for England an abundance of barren glory, and all those gagging-bills, which, having originated when this country was engaged in hostilities, were now, in a time of profound peace to be renewed. In the latter years of the war—he meant, during that period when our armies were under the conduct of that great general, of whom every Englishman boasted, and who, as he had fought for the independence of other countries would, he hoped, always be found the defender of the rights and liberties of his own—in those years all that could be done was, to repair the disasters previously incurred. But the war commenced with another object. It commenced for the purpose of destroying republican principles, and suppressing doctrines which were said to be subversive of all legitimate authority. Could the country boast of having achieved that object? He would not himself answer the question; he would borrow the answer from the address that had been recently read, in which it was stated, that republican principles, that even the doctrine of atheism itself, teemed in every street, and in every

shop more plentifully than they did before the war was entered into. He thought that the House had in a great degree lost the confidence of the country; and that confidence could only be restored by giving a share in the representative system to all those who assisted in supporting the state. There was another evil of still greater magnitude—the loss of confidence in all public men. This, he thought, arose entirely from the conduct of his majesty's ministers, and their adherents. When they entered on their career, they found themselves not perhaps quite bankrupts, but exceedingly deficient in popularity. What was their conduct? He would not say that they used any base acts to procure popularity. No; of them it could not be observed, "gaudent nimium popularibus auris." But he would assert, that for several years their speeches had been all directed to one object, that of reducing every public man to a level with themselves. They had unfortunately succeeded in their efforts, and were, indeed, the worst of levellers. One prayer he earnestly made to them. It was stated in the address to the throne, and it was the only consolatory passage which that address contained, that the great bulk of the population did not appear to be infected with the dangerous doctrines in question. He conjured ministers to pause before they insulted that loyal majority by proposing any measures calculated to throw suspicion on them;—he conjured them to pause before they deprived the well-disposed of the proofs and arguments which the constitution, while it was preserved inviolate, would always afford to combat sedition and disaffection.

Mr. *Bootle Wilbraham* felt that some apology was necessary for again addressing the House on the subject of the proceedings at Manchester, on which he had already declared his opinion; but an hon. member had on a former evening made several observations on the speech he had delivered, which he conceived himself bound to answer. He would not say what were the motives of that large body of men (at the smallest computation 30,000), in assembling together; the idea of their leaders was, perhaps, only to review their army, and to excite that degree of intimidation in the public mind, which such congregated numbers were calculated to produce. When he spoke of their object being plunder, he did not mean to use the word in its ordinary sense. His meaning was precisely expressed in the address of the chairman and grand jury at Chester, about a fortnight after the occurrence took place. The statement, which was unanimously agreed to by every person present, set forth that "whatever may be the real object of those who have obtained influence over the minds of the misguided, it appears that the object of the lower classes is no other than to destroy the orders of society so long established, to wrest, by force, from its present possessors, and to divide among them, the landed property of the country." On another point he also wished to set himself right. The hon. member had objected to the correctness of the account he had produced relative to the persons wounded. That statement was taken from an official paper sent to him from Manchester. In that account the number of out-patients was not included, which, he believed, amounted to 38, or thereabouts. He now had an official report dated the 20th of October, which contained an account of 26 in-patients, admitted to the infirmary in consequence of the proceedings of the 16th of August. In consequence of a riot which took place on the night of the 16th, some other persons were brought in. Amongst others who were hurt on that evening, was an unfortunate man, a Greenwich pensioner; who, having acted as a special constable, was pursued into a house by a number of persons, and so severely ill-treated, that he died in a few days. As to the statement, that an attack was made on the yeomanry before they molested the people, he believed it to be perfectly correct. He had examined all the evidence, and he was borne out in saying, that an attack was made on the yeomanry before they assailed the populace. In order that they might not injure the people, the yeomanry advanced in single files, and were immediately closed upon and surrounded. After taking an impartial view of the subject, all the circumstances proved to him the extreme impropriety of this case being taken up by the House. It was alone in a court of law that the evidence could be fairly adduced, and properly examined. Some gentlemen had expressed a wish that the magistrates should be dismissed. Such a dismissal would cast a slur on their character, and would

be severely felt. Many of them were gentlemen of independent fortune, and had performed most meritorious services. For months after months they had preserved the public peace, at the risk of life and property. Though they had met with hard treatment in that House, such was not the case with respect to those who knew them, who had seen their conduct, and who were therefore the best judges of it. In an address from the town of Manchester to the Prince Regent signed by all the respectable inhabitants, the conduct of the magistrates was spoken of in the highest terms of praise.

Mr. *Denman* observed, that as a challenge had been thrown out to all those gentlemen who were connected with the legal profession, calling on them to state their sentiments on the subject of the meeting at Manchester, he felt it a duty which he owed to himself—a duty which he could not pass over, to declare to the House the opinion he had formed with respect to the legality of that meeting. He trusted he should stand excused for not accepting the challenge at the time it was thrown out, for, if he had proceeded to address the House at two o'clock in the morning, it was easy to anticipate the way in which such an entertainment would have been received, after a debate of 20 hours. He conceived that the meeting was perfectly legal, and that it was improperly dispersed. It was a most momentous subject, a subject that never would be exhausted, until the House granted a full inquiry. He had attended that evening with much inconvenience to himself, in order, on the motion of which notice had been given by the noble lord opposite, to assist in endeavouring to persuade the House to do its duty, by instituting an inquiry. As, however, the noble lord had deferred his notice until Tuesday, he should postpone any detailed observations to that day. All that he would now say was, that he could never concur in the address until he should be convinced of the necessity of the measures to which it referred, and until the greatest grievance of which the people of England ever had to complain—not merely the establishment of a military despotism, but, which was much more alarming, an attempt to maintain that military despotism was consistent with English law and justice—had been thoroughly investigated. Nor could he concur in an address which, overlooking all considerations of humanity, abstained from the expression of regret at the melancholy occurrences which had taken place. Whatever motive might have influenced his majesty's ministers to withhold the expression of their regret at the time of those occurrences, there could be no reason why the House of Commons should not now express its regret that the blood of their fellow-subjects had been shed. He really thought, that at least it was highly fitting to accompany a declaration of the necessity of farther restrictions on the liberty of the people, by an assurance of protection in the uninterrupted enjoyment of the rights still left to them.

Mr. *Shepherd* considered himself bound, by every sense of justice, to resist the amendment proposed, because he thought it would be most unjust to the magistrates, who had acted meritoriously, if they were harassed by vexatious proceedings. It would be, in his opinion, most inexpedient to enter into an inquiry in that House, because, whatever the result might be, such a course would operate to the disadvantage of the magistrates. The feeling of the public mind, if an inquiry were instituted here, would be, in the very first instance, that the magistrates were guilty. It had been said, that the Riot act was not read, and that the yeomanry attacked the people before any resistance was made. Now, it was immaterial whether the yeomanry did or did not assail the people first, nor was it of any importance, whether the Riot act was read or not, because the meeting was, *ab initio*, illegal. The reading of the Riot act would only aggravate the offence, and give to that, which, in the first instance, was an unlawful assembly, the character of a felonious offence. The meeting was, in point of law, a riot; and a meeting of that description had ever been considered a great offence, by men of the first eminence on the bench. His hon. and learned friend had risen to state his reason for thinking the meeting legal, but he had not advanced one. He did not argue the question, whether the meeting was legal or not. What his hon. and learned friend had said was mere assertion; and in opposition to his assertion, he would place the opinions of lord Holt and Mr. Justice Foster. The former of them had said, that any number of men who assembled *in terrorem populi*, were guilty of a riot, even though they were without arms,

affront to that exemplary nobleman; and for which he contended ministers were entitled to the thanks of every honest man.

Mr. *Wilberforce* rose, for the purpose of correcting a mistake which he understood had gone abroad, relative to some observations made by him when he delivered his opinions on this question. He was made to say, that the great meeting lately assembled at Manchester had it in contemplation to keep together until night, and then to burn the town. He had never said any such thing: he recollected well what he had said. It was this. In the evidence which was offered to a committee of the House two years ago, it was stated that the leaders of a meeting, which had then been in contemplation, had intended to have waited till evening, and then to have set the town on fire at once in various places, in order to profit by the confusion and devastation which would have been created. It was also in evidence, that their reason for entertaining such intentions was, that a rate would have been laid on the county, to make good the damage done, and that such rate would have excited general discontent and dissatisfaction. He had said, that it was proper that the magistrates, who knew of such a scheme being once in contemplation, should be upon their guard to prevent its execution, whenever large meetings were assembled by the same or similar leaders. It had also been asserted in the course of the debate, that he had warmly defended the conduct of the magistrates; he was not prepared to defend, any more than he was to attack them; but he had said, that it would require a strong case to be made out, in order to justify such a measure as was proposed in the amendment. The conduct of the magistracy of the country, whose eulogium a right hon. friend of his had so eloquently pronounced on a former evening, was not to be lightly questioned. If there was any one body of people to whom the public were particularly indebted, it was to the magistracy of the country. They not only owed to them the great obligation of preserving the peace and supporting the laws of the country, but also that habitual disposition to obey the laws which was to be found in the people of England. This spirit was created by the impartiality as well as the readiness with which justice could always be obtained in the country; and therefore to institute an inquiry into their conduct would be to cast a slur upon them, which would be productive of most injurious consequences. It was admitted, that in the courts below justice would be done. But if the investigation were to be instituted in that House, the effect would be, to injure the character of the House, and to increase the discontent of the people. He was, therefore of opinion, that without urgent, imperious, irresistible necessity, the House ought not to institute any inquiry, because it would be imputing great blame to the persons concerned in the transactions in question, and still more, because, instead of improving the character of the House, and endearing it to the country, such an inquiry would have the effect of rendering it more suspected, and more unpopular with those who regarded its conduct in general with suspicion. But there was a mode pointed out by a right hon. gentleman near him, which was free from party feelings; that mode was, by trials in courts of justice. There the testimony given, was given upon oath; there the truth was developed and sifted out; there justice would be done to all parties, and by a body regarded by all with love and veneration, instead of a body which was become the object of aversion, suspicion, and censure. Although he agreed that it was infinitely desirable that the people should be taught to look up to that House as those who would redress their grievances, yet the circumstances to be inquired into were so various and so much connected with individuals (so much indeed, that there were as many varieties of cases as there were individuals concerned), that he could not consider the House the proper place for inquiry. A right hon. gentleman had animadverted upon the omission in the address of any expression of regret for the occurrences at Manchester. He did not think that the omission was improper. No person would have considered himself indebted to them for any regret they might express. There was no man there who did not from his soul lament those transactions. If that House were to state their sentiments, one by one, all would agree in lamenting them. If there were any who were not deeply hurt at them, they were those who looked upon slaughter and civil war as the natural regeneration of the country, and regarded the overthrow of religion and the law, and all the institutions to which we owed our so-

in his opinion, be more grateful to the sufferers, than all the mouthing speeches of the hon. gentlemen in their behalf. He had heard that an hon. baronet opposite had adopted several families who had been made orphans at Manchester. If so, it was highly to his honour; and he thought that it would be highly to the honour of other gentlemen if they would imitate so bright an example, and would not merely content themselves with making long speeches. He was against instituting a parliamentary inquiry into the conduct of the magistrates for various reasons. How could the House interfere if it were proved that a man was maimed or trampled on? Could it commit for trial, as the Court of King's-bench could do? If pecuniary damage had been inflicted, could it order the party inflicting it to make pecuniary compensation? By no means. The inquiry would therefore be useless to all intents and purposes. He should not, however, object so much to such an inquiry, if he thought it merely useless; but, in his opinion, it would be unjust, as it would disclose the cases of the individuals in question, which might afterwards be met in the courts of law by the foulest subornation and perjury. It would excite a prejudice on the subject, and that prejudice might be assigned as a ground for postponing their trials. As to the argument that the prejudice would be rather the other way, namely, in favour of the individuals accused, it appeared to him to be a very clumsy one. What he wished was, that there should be no prejudice either one way or the other; that the scales of justice should be held with perfect evenness. A great deal had been said of the evils that had occurred at Manchester. He was very sorry for them. He believed that several lives had been lost, and that a number of persons had been maimed. But to whom was all that attributable? In his conscience he believed it might be justly ascribed to the hon. gentlemen opposite; who had promulgated doctrines and stated opinions calculated to make an undue impression on the public mind. The country was continually told that ministers levied taxes for the purpose of putting the produce in their own pockets. The gentlemen who made such statements were accountable for the mischief produced by them; and he hoped that they would assist in averting the evils which they caused. If such statements were true, let them be proved. If it was true that the people would have meat, drink, shoes, and cloathing in abundance, were it not for placemen, pensioners, and sinecurists, let the fact be established; if false, those who were the authors of such statements, ought in fairness to come forward and disabuse the people. Let them inform the people of Manchester, or any other people, who held such opinions, that 20 years revenue of those expenses would not serve to purchase them a breakfast. There was another point to which he wished to refer, but not seeing an hon. member in his place, he did not wish to say any thing to which there could not be a contradiction given. The necessity of inquiry had been urged on the ground, that the magistrates would come out of it without any imputation of blame. Was there ever such a doctrine heard? Did any one ever hear it urged to a grand jury, that a true bill ought to be found against a man for a rape, or for murder, of which he was supposed innocent, for the purpose of giving him an opportunity of showing that he could handle the burning ploughshare without injury? The grand jury would answer the dolt who made the proposal, that they who were sworn to our sovereign lord the king to do justice to all parties, could not find a bill on such grounds. Such laws as this reminded him of a court formerly held at Rome, to try whether a man was a saint or not. On that occasion the devil had an agent, who pleaded against the miracles of the saint, but there was no advocate on the other side. He hoped a fairer trial would be granted on this occasion. It had been remarked, that in the thanks which had been given to the magistrates, no regret had been expressed for the lives lost on the occasion. It would be inconsistent to express such thanks, the idea was ridiculous. What! were they to suppose that the father of his people did not regret the loss of their lives on such occasions? The thing was self-evident, and it would have been bad taste to insert any such expression. After some observations on the dismissal of earl Fitzwilliam, the hon. member concluded by supporting the original Address. The hon. member concluded his speech by some remarks on lord Sidmouth's letter of thanks to the magistrates, and on the dismissal of earl Fitzwilliam from the lord-lieutenancy of the West Riding of Yorkshire, which, he maintained, was not an

affront to that exemplary nobleman; and for which he contended ministers were entitled to the thanks of every honest man.

Mr. *Wilberforce* rose, for the purpose of correcting a mistake which he understood had gone abroad, relative to some observations made by him when he delivered his opinions on this question. He was made to say, that the great meeting lately assembled at Manchester had it in contemplation to keep together until night, and then to burn the town. He had never said any such thing: he recollected well what he had said. It was this. In the evidence which was offered to a committee of the House two years ago, it was stated that the leaders of a meeting, which had then been in contemplation, had intended to have waited till evening, and then to have set the town on fire at once in various places, in order to profit by the confusion and devastation which would have been created. It was also in evidence, that their reason for entertaining such intentions was, that a rate would have been laid on the county, to make good the damage done, and that such rate would have excited general discontent and dissatisfaction. He had said, that it was proper that the magistrates, who knew of such a scheme being once in contemplation, should be upon their guard to prevent its execution, whenever large meetings were assembled by the same or similar leaders. It had also been asserted in the course of the debate, that he had warmly defended the conduct of the magistrates; he was not prepared to defend, any more than he was to attack them; but he had said, that it would require a strong case to be made out, in order to justify such a measure as was proposed in the amendment. The conduct of the magistracy of the country, whose eulogium a right hon. friend of his had so eloquently pronounced on a former evening, was not to be lightly questioned. If there was any one body of people to whom the public were particularly indebted, it was to the magistracy of the country. They not only owed to them the great obligation of preserving the peace and supporting the laws of the country, but also that habitual disposition to obey the laws which was to be found in the people of England. This spirit was created by the impartiality as well as the readiness with which justice could always be obtained in the country; and therefore to institute an inquiry into their conduct would be to cast a slur upon them, which would be productive of most injurious consequences. It was admitted, that in the courts below justice would be done. But if the investigation were to be instituted in that House, the effect would be, to injure the character of the House, and to increase the discontent of the people. He was, therefore of opinion, that without urgent, imperious, irresistible necessity, the House ought not to institute any inquiry, because it would be imputing great blame to the persons concerned in the transactions in question, and still more, because, instead of improving the character of the House, and endearing it to the country, such an inquiry would have the effect of rendering it more suspected, and more unpopular with those who regarded its conduct in general with suspicion. But there was a mode pointed out by a right hon. gentleman near him, which was free from party feelings; that mode was, by trials in courts of justice. There the testimony given, was given upon oath; there the truth was developed and sifted out; there justice would be done to all parties, and by a body regarded by all with love and veneration, instead of a body which was become the object of aversion, suspicion, and censure. Although he agreed that it was infinitely desirable that the people should be taught to look up to that House as those who would redress their grievances, yet the circumstances to be inquired into were so various and so much connected with individuals (so much indeed, that there were as many varieties of cases as there were individuals concerned), that he could not consider the House the proper place for inquiry. A right hon. gentleman had animadverted upon the omission in the address of any expression of regret for the occurrences at Manchester. He did not think that the omission was improper. No person would have considered himself indebted to them for any regret they might express. There was no man there who did not from his soul lament those transactions. If that House were to state their sentiments, one by one, all would agree in lamenting them. If there were any who were not deeply hurt at them, they were those who looked upon slaughter and civil war as the natural regeneration of the country, and regarded the overthrow of religion and the law, and all the institutions to which we owed our so-

cial security and happiness, as the means of accomplishing their wishes. At the same time, he thought some declaration or other should be made, explaining whether they could alleviate the distress and improve the condition of the poor. He thought that, if employment could be provided for a certain number of them, the demand which that would create for various things would have a beneficial effect upon all other classes of the community. He thought it possible, by some such means, to improve the condition of the suffering portion of the people. It was a duty which must be felt by all, but especially by those in high offices (although from the responsibility of their situation they must be anxious to avoid exciting expectations which would only increase the severity of the storm), to do all that was possible for relieving the distresses of the laborious poor. There were ways by which their condition might be considerably relieved. Some general declaration, therefore, of that disposition of mind, which, no doubt, was felt by all, and especially by his majesty's ministers, might be proper and useful. By increasing the employment of the industrious poor, they would be brought into a situation in which they would be supported by their own labour, and their personal characters would be improved. The dependence for partial or entire support upon parochial aid tended to the injury of the public interest, and to the injury and deterioration of the personal character of the poor. He had been drawn aside unintentionally into those observations. He felt indeed at this time somewhat of the feeling of a noble lord, he meant lord Falkland, who put on mourning at the beginning of the civil war, and walked backwards and forwards, sighing and groaning, and often repeating the word "Peace!" He felt some difficulty in expressing his feelings. His views on certain points were not popular there, nor were they matter of popular feeling. When he heard in that House the one side charging the other with weakness and with wickedness, he saw a danger of people beginning to believe this. It was a persuasion produced upon his mind by irresistible force, for he was a rooted enemy to party, that many of the evils which we now suffered had arisen from the effects of party. There was not a single individual in that House whom he did not believe to have the benefit of the people in view. There was a certain understanding about several sentiments and expressions there, which was not received abroad, and which produced effects in other places very different from their original intention. He admitted that there might be much truth in what a right hon. gentleman had said of the benefit of parties in a free country; but he would not enter into that question. His intention in rising was, to vindicate himself into that question. His intention in rising was, to vindicate himself from stating what he really had not stated; but he could not avoid saying, that it would be an unspeakable comfort to his own mind, if they could all join in remedying evils which they all felt, and endeavour most diligently to counteract principles subversive of all social happiness. The attack now made upon religion was no slight way of attacking this or that particular mode, but a sapping of the very foundation of it. When they considered this—when they considered that, instead of respecting, as it had been well said, the very columns on which the edifice of society rested, those columns were attacked with unsparing wickedness, it became all who regarded the well-being of the community, to unite in defence of what had proved at all times the safeguard and protection of moral goodness and social happiness. It was necessary to join in applying the alternative which our political disease required. It was necessary to join in preserving institutions and principles by which the character of the people had been so far improved—principles and institutions which were made, not for the benefit of particular individuals, but for the benefit of the whole country. The bulk of the people in general were interested in mintaining the rights of property and the principles of religion—principles in their nature sound and sincere, and in their effects prosperous and happy.

Lord *Stanley* said, he was anxious to make some observations on what had been circulated relative to the late proceedings at Manchester as well as upon the proceedings of the grand jury of Lancaster. The station which he held as foreman of that grand jury made it necessary that he should speak upon the latter subject. He had expected to hear observations made in that House, upon the conduct of the grand jury—such as he knew had been made elsewhere. He was

happy to find that no such observations had been made in that House. Observations had however been made elsewhere, reflecting severely upon their conduct. Even the learned judge in the Crown court, had permitted himself to utter expressions from the bench which were an indirect censure upon the conduct of the grand jury. A bill had been thrown out by them against a person who was afterwards tried upon the coroner's inquest, and found guilty of manslaughter. It might have occurred to the learned judge, that by the skill and practice in which he had grown old, he could extract the truth from ignorant and reluctant witnesses with more success than had attended the grand jury. The learned judge had asked the witnesses whetherthey had been examined before the grand jury; but though all the witnesses had been before them, all the evidence might not have been produced. A gallant general had said, that the grand jury could be proved to have thrown out bills upon a misconstruction of their powers. How could the gallant general know this? He did not believe that any one member of the grand jury could have divulged any thing against his oath; and from the consideration that they were restrained by their oaths from disclosing what took place there, he would not allow himself to make any observations upon this subject. He knew them personally, and most of them were personal friends of his own; and from his knowledge of them he could say, that they had acted, not from certain chance opinions, but upon grounds which they conscientiously believed to be correct. He would now pass over that part of the subject. Upon the question now before the House, which was whether the address should go up to the throne, although he wished that the address had contained something further, yet he could not deny what had come under his observation and knowledge, what they had on their table, and under their eyes from him. These things called for some measures to meet what the present laws were not sufficient to put down, what he confessed existed in his own country—atheism, blasphemy, and disaffection, to the greatest degree—he had almost said, to the borders of rebellion; but till the case should be fully made out, he could not pledge himself to any particular measure. Not having been able to deliver his sentiments when the question was before the House, he should take that opportunity of stating why he had supported the amendment to the address. He had done so, not because he had disapproved of the address, but because the address had not gone far enough. A right hon. gentlemen had said that inquiry was inconsistent with what he called the wholesome harshness of the amendment. He could not agree in that opinion. It was the duty of the House, if there was no other channel, to inquire when the lives of his majesty's subjects were lost, and particularly in such a case as this, when ministers put a speech into the mouth of his Royal Highness without any mention of what took place in Manchester; passing it over like an every day occurrence: was that the conclusion which the events of Manchester warranted? He would not venture to go into the consideration whether the meeting had been legal or illegal. He felt very considerable doubt upon that subject. He was certain, however, knowing the magistrates at Manchester as he did, at least many of them, that they would not have done what they did not consider themselves justified in doing. With respect to the yeomen, he was enabled by themselves to disclaim and deny many things that had been imputed to them. Several statements which had been made, he knew from his own knowledge to be incorrect: among these was one, which represented that the Manchester yeomanry cavalry had sent their swords to be sharpened for the purpose of cutting with them at the meeting. His own opinion was against the probability of that statement; but he had fortunately got what amounted to a complete disproval of it. He did not mean to say that the swords had not been sharpened, but every thing depended upon the time when, and the cause from which, they were sharpened. He had a letter from the individual who commanded on that occasion, an individual whom he was happy to have heard alluded to with respect in this debate. A more mild and more humane person did not exist. That individual said—" If any blame attaches for sharpening the swords, I must take it all to myself. At drill a sabre was drawn to screw a flint, and seeing the state it was in, I looked at the sabres, and finding them not serviceable, I directed them

to be taken to the cutler's and put in order." Fortunately for captain Birley, this matter was taken notice of by a paper certainly not very favourable to the yeomanry corps. It was mentioned in the Manchester Observer of the 10th of July, five weeks before the meeting at Manchester took place. The order to the yeomanry to hold themselves in readiness to assist the civil power, if necessary, was issued on the 13th July, so that the circumstance of the swords being ordered to be sharpened was noticed in The Manchester Observer three days before the yeomanry cavalry knew that they were to be put upon such a service. It was also urged, as matter of objection, that the Manchester yeomanry ought not to have been employed. He could assure the House that, as he was informed, this arose from pure accident. A corps of the Manchester yeomanry, the 15th hussars, and the Cheshire yeomanry, were stationed at one side of St. Peter's-field, and a part of the Manchester yeomanry on the other. Orders were issued to bring some of the troops round to the point where the constables were stationed, and the Manchester yeomanry being the first moved forward. The crowd was so great that doubts were expressed whether the civil power could be effectually aided without some additional troops. The officer who commanded the yeomanry, seeing an open space leading to the hustings, near the line of constables, and fearing from the motion of the crowd, that it would be blocked up, pushed forward to occupy it. At this time there was no obstruction, and the soldiers advanced six abreast, until they got rather nearer the hustings. Here the line of constables was broken by the crowd, who, however, retired, and made way for the trumpeter, officer, and first part of the body. In a short time, however, the crowd closed, and obliged the remainder of the troop to move forwards towards the hustings in single files, contrary to the wish of the commanding officer, but the reason why the yeomanry did so was to avoid riding over the people.—Some followed the officer directly up to the hustings, while others went round, by which means the cart was surrounded, and the warrant of the magistrates executed. At this period, considerable tumult prevailed, and a struggle ensued between the constables and those persons in the cart, who wished to save the caps of liberty, banners, &c. Some of those who resisted were taken into custody, and the soldiers cut with their sabres at the flag-staffs. In doing this, it was possible that some persons had been hurt, but not intentionally. This was an answer to those who stated that the yeomanry cut right and left in their approach to the hustings. It had been lately the practice to post up in the windows of The Manchester Observer the names of the persons wounded, and also the names of those soldiers by whom wounds were said to have been inflicted. Among others, the name of captain Birley was frequently mentioned. Now the fact was, that captain Birley had, according to his own statement, never taken his sword from his shoulder, unless to make way for two poor women who were oppressed by the crowd. If that gentleman had seen the soldiery commit any of the acts so often talked of, he (lord Stanley) had no doubt that he would have exerted himself to put a stop to them. He understood from that gentleman that the real state of the case was, that a part of the yeomanry, when they had approached towards the hustings, were separated from the rest—that the individuals so separated from the rest were closed in on, and then assailed with stones and sticks, in consequence of which some of them faced round, in order to defend themselves. The situation in which these individuals were placed was perceived by the magistrates, who, on seeing what was going forward, thought it their duty, without delay, to order colonel l'Estrange to move forward troops in support of them. On seeing this confusion about the hustings, and the perilous situation of the yeomanry and constables, the expression of the magistrate, who ordered colonel l'Estrange to move forward, was, "for God's sake save the yeomanry!" They did save the yeomanry, and the crowd was in a very short time dispersed. But an hon. gentleman behind him had been misinformed, when he stated that there was no avenues for the escape of the crowd, but those occupied by the troops.—The great and leading street of Peter-street was open for them to disperse by, as no cavalry came that way. In addition to that, there were many minor streets open, though they were not all so broad as Peter-street, and at a good many corners, the mob, by closing up, created obstacles to getting

on. Such was the impression on his mind, with regard to the statement of that gentleman whom he had just mentioned. With respect to the legality or illegality of the meeting, he could form no fixed opinion on that point, because he was not possessed of a sufficiency of facts to guide him. For that very reason it was that he wished for inquiry. With regard to what had been said by the noble lord opposite, the opinion of that noble lord was founded, no doubt, on facts known only to the government, and which could not be supposed to be known to himself, or those who were in the same situation with himself. He certainly felt a great anxiety to hear those statements on that subject, which they had been taught to expect. In the mean time he would say, he had that confidence in the magistrates, that, however hasty in some respects, and however injudicious in other respects, he might think them, he yet thought they would not have adopted such a course as was adopted, if they had not been convinced of its legality. He had no hesitation in saying, that he should prefer an inquiry in the courts of law, thinking, with many members of this House, that the courts of law were more proper, in many respects, for it, than the House of Commons, partly, because the inquiry could only be carried on in the latter on parole evidence. But he confessed that he was in doubt whether it could be so carried on. It had been said, "Look at the case of Coventry; there the court of King's-bench has directed the matter to be investigated." It was thence inferred, that a similar proceeding would take place if the transactions at Manchester were brought before it. But at Coventry no lives had been lost, whilst at Manchester the result was unfortunately very different. If the court of King's-bench should be of opinion that the matter would involve questions of felony, it would probably refuse to grant a criminal information. The judges of that court would refuse to take cognizance of it in that form of proceeding. The consequence might be, if the House relied on that particular course, that a subject admitted to be of great importance, not only to the unfortunate sufferers, but as it affected the constitution, would be passed over as completely *sub silentio* as it was in the address. Somewhere or other an inquiry ought to be made. From one end of the country to the other he saw only one opinion on the subject. There was hardly a part of the country where a portion of the people at least did not call out loudly for inquiry. He confessed that he thought the House were bound to show some deference to the public opinion. He was compelled to declare his own private opinion that inquiry was necessary, and that he thought the House ought at some time or other to enter on the subject. A great authority (Mr. Burke) had said, that even the imaginary grievances of the people ought to be inquired into. And if it turned out that the people were, on the occasion in question, exercising a constitutional right, he hoped the House would show that even the excellent character of the magistrates of Manchester should not screen them from the consequences of their acts.

Mr. *Philips* bore testimony to the high esteem in which captain Birley was held by all who knew him. He had universally the character of a most humane gentleman.

Lord *Castlereagh* observed, that the Manchester yeomanry fully participated in the feelings of the noble lord who had just sat down. They were also desirous of inquiry, because they were assured that its result would be to relieve them from that weight of calumny under which they had hitherto laboured. An inquiry conducted before the House would, however, as he conceived, be contrary to every sound principle of judicature. He would not now go into any argument with respect to the nature of the meeting, or assign any reason why in his opinion the facts ought not to be inquired into by the House. He must say, however, that he was rather at a loss to conceive what statement of facts the noble lord who had given notice of a motion on the subject for Tuesday next, and an hon. and learned gentleman opposite, who had signified his intention of arguing the legality of the late meeting at Manchester, were prepared to bring forward to satisfy the House of the necessity of such an inquiry. But he rose now to congratulate the House that an individual, who represented that great county where the proceedings so often alluded to took place, and who was the son of the individual charged with the king's commission in that county, and he was sure he only spoke the sentiments of admiration of that nobleman common to all who had the honour to be acquainted with the manner in

which he discharged his official duties, when he said, that a brighter example could not be set than that of lord Derby —he rose, he said, to congratulate the House and the country that they had heard from the individual in the House most competent to give them information on the subject, who on this occasion had stript himself of all prejudices in the view of the public, not wishing to inflict any injustice on his majesty's ministers (indeed he must say, that he had never given any other than the most constitutional opposition to them), a statement of the utmost consequence with respect to the transactions at Manchester. Having voted for the proposition for inquiry, submitted the other night to the House, but which had not received their sanction, the noble lord had now come forward from a love of justice to discharge a debt, he would not say of gratitude, but a debt of justice to men who were suffering under unmerited obloquy. He did not wish to weaken the statement of the noble lord, but merely to allude briefly to what were the leading features of a transaction which had been represented in the light of a bloody massacre. But if he knew the country right, it would now be filled with indignation against those who had represented the transaction in that light; and if his countrymen were apt, and in his opinion they were but too apt, to take a severe view of a transaction before they could be possessed of sufficient information respecting it, there was something at the same time in the breasts of Englishmen to make the tide turn rapidly in favour of those whom, on mistaken information, they had been led prematurely and wrongfully to condemn. These yeomanry troops had been represented as charging an unarmed mob, and in the outset being guilty of the most unprovoked violence and cruelty. It now appeared, however, that they went up to the hustings by the only way by which they could get access, and in the manner least calculated to injure the people. They went up where they did, because they saw that the constables had so placed themselves as to leave an avenue for them to pass through; and they went into the crowd at the moment they did, because, when they arrived on the ground, they thought there was an opening for them. What was further the fact? When they arrived at that part of the ground, where an arrangement, it was said, had been deliberately made to keep the enemy out, they had so much coolness and presence of mind as to go in single files to surround the hustings. It was also stated, that captain Birley, so far from acting in the manner he was stated to have acted in, had, on the contrary, endeavoured to extricate women from the perilous position in which they were, a position in which women of this country had for the first time placed themselves. It appeared that captain Birley and the six yeomen immediately succeeding him were separated and cut off from their associates, and then attacked with stones. Then, and then, only had troops been ordered to support the persons who were thus endangered, by being cut off from the rest of the body. The noble lord had delivered the House and the country from all the delusion which had been so sedulously propagated on the subject; and had exonerated the magistrates and yeomanry from the calumnies which had been so industriously circulated and also from another calumny, of the streets being closed against the mob. Never was any thing so false. So far from this being the case, the magistrates actually withdrew the cavalry from the opposite side of the square, that they might not be an obstacle to the dispersing. But it was in order to carry terror and intimidation into loyal breasts, and to leave them exposed to violence, that these calumnies were directed rather against the yeomanry than against the king's troops. It had happened here as usual, that the supporting force was obliged to act with more activity than the force which was surrounded. Could there be a more striking illustration of this, than the magistrates saying, "For God's sake save the Yeomanry." He saw them in the midst of the crowd, and in peril. He was sure the House were satisfied, and also that the public feeling would now be satisfied on this question. He did not think with the noble lord however that it was necessary the House should go into an inquiry on this question, in order to rescue the magistrates and yeomanry from the torrent of unfair prejudice by which they had been assailed. He was confident the debates in parliament on this subject, and above all the speech of the noble lord, had placed them in a situation which rendered this unnecessary. He trusted that the country would now see cause to give credit to those magis-

trates for what ought never to be denied to men in their situation, and presume them innocent till the contrary was proved. All he asked of his countrymen was, not to run them unfairly down, but to believe them innocent till something was established against them. The noble lord by his explanation not only satisfied the claims of justice, but had done a signal benefit to his country by removing the disgraceful and foul calumnies attempted to be thrown on persons who undertook an arduous duty for public advantage, without any reward or consideration for their services, for doing that which they could have had no earthly object for doing but the due administration of the law of the land.

Lord *Stanley* expressed his thanks to the noble lord for the manner in which he had spoken of the services of his father, and what he had chosen to say of himself. The noble lord, however, seemed to labour under a little mistake. He appeared to represent him as vouching for the truth of the statements which he had made. As far as he had expressed his own opinion, he had no hesitation in saying he had that opinion of the magistrates, he did not believe they would act illegally;—but when he particularly alluded to the conduct of the yeomanry cavalry, he certainly stated he spoke from information received from that very yeomanry cavalry themselves. He had stated, indeed, at the same time, that he thought so highly of captain Birley, he was convinced, in his own mind, that gentleman would make no statement which was not correctly true. At the same time, he wished the noble lord to understand, that he did not mean to identify himself with that individual, as the narrator of the facts.

Lord *Castlereagh* said, he was perfectly aware the noble lord did not speak from his own knowledge, but from the evidence of others in whom he reposed confidence. He congratulated the House, however, on the opinion in this respect, the deliberate opinion of the individual who had had the best opportunities of becoming acquainted with the facts of the case, and who was not likely to have any bias on the subject. His majesty's ministers also spoke upon information which they had received on respectable authority, and from credible witnesses.

Mr. *J. P. Grant* agreed with the noble lord opposite, in hoping that the magistrates of Manchester would be believed innocent till their guilt was proved. But he was rather astonished at the inference attempted to be drawn by the noble lord opposite from what had fallen from his noble friend; for his noble friend had stated, that of his own knowledge he knew nothing. His noble friend had only repeated the statements of the accused parties; and therefore, as in all other cases where there were conflicting statements, they were bound to enter on an inquiry for the purpose of ascertaining the truth. He should not hold himself pledged to any opinion now, but reserve himself till the time came for deciding on this subject, when he should give that vote, which, in his conscience, he should consider himself bound to give.

Lord *Castlereagh* said, the statement did not rest on the authority of the noble lord, however high, but was confirmed by the authority of an hon. member connected with that quarter.

Mr. *Bennet* said, three testimonies had been given in favour of the character of captain Birley—his character had not been called in question. He did not believe it had ever been called in question in Manchester, and he was certain it had never been called in question in that House; and he should wish to know, therefore, whether any gentleman could say he had heard it questioned. He wished to make another observation. The statement of his noble friend rested entirely on the statement of captain Birley himself. It might be true, and it might not be true. Other statements had been made by a number of individuals on oath, on the coroner's inquest, of a nature altogether contrary to it. These statements might be true, or they might be false. They were therefore called on to inquire which of these statements were true, the statements of the magistrates and yeomanry, or the statements directly contradictory of them on oath.

Mr. *Bathurst* observed, that the noble lord had expressed his confident belief in the veracity of the statement of captain Birley, and had borne testimony to his general disposition to humanity. That character was confirmed by an hon. gentleman from Manchester, whom he did not now see in his place. These were the attestations of persons competent to judge what authority any statement from him was entitled to, and his credit was therefore supported by the noble lord and the hon. gentleman whom he had alluded to.

Till something to the contrary, therefore, was produced against him, he must take the statement of the noble lord and hon. gentleman as a *primâ facie* case in favour of that gentleman and of the magistrates. The yeomanry it appeared went through the opening which at first led from the house to the meeting; but, by the alteration caused by the persons round the hustings, who removed the waggon to a distance from where it originally stood, and who placed a cordon of not less than 15 feet of persons, known to be selected from the most determined part of the meeting, the troops with the civil power were not able to approach close to the hustings. It was to be considered that the magistrates had behind them the loyal population of that great town; and with all these loyal people (and when the people were talked of it was too much the fashion to include only under that description — disturbers of the peace) more in number, perhaps, than that of the people assembled at the meeting, the magistrates were called on to execute the powers of the law to rescue them from the perilous situation in which they were placed. It was well known at the moment the fury of the loyal people was so great against the mob, that the moment it was dispersed, had it not been for the intervention of the magistrates it would have been impossible to save many individuals from the resentment of those who felt themselves rescued from their outrages.

Mr. *Baring* said, he should not have spoken had it not been for what had occurred within the last half hour. If any thing could show the necessity of an inquiry, and the duty of that House to institute it, it was the course just adopted on the other side. The noble lord had declared that his noble friend had brought forward such information as ought to satisfy the country. And what had his noble friend stated? He had stated to the House information derived by him from the very persons who were implicated in these transactions. He was ready to believe the magistrates and yeomanry might be able to justify themselves; but he would ask the House whether that description of evidence which they had just heard would satisfy any part of the country. It was too much to hear such a supposition trumpeted forth by the noble lord. When his majesty's ministers knew that in all parts of the country so many meetings had taken place on this subject, all loudly demanding inquiry, he was astonished they should think such a statement from such a source, would prove satisfactory. There was hardly a person whom he had seen, who did not think inquiry was necessary. This was the opinion of many persons who never attended public meetings, and it was not fair to infer that those only who attended public meetings were in favour of inquiry—for, from what he knew, he would say there were still more who had not attended public meetings, than of those who had attended public meetings, who thought inquiry necessary. The hon. member for Yorkshire for instance, with his friends, the loyal declarators of that county had in fact admitted as much. This was itself an admission of the necessity of inquiry. If any thing proved more than another the necessity of inquiry, it was what had followed his noble friend's statement. He had not heard a single person who had expressed an opinion that the magistrates were to blame. But what had the right hon. gentleman who just sat down said? Why, that after the declaration of his noble friend there was a *prima facie* case, unless there could be shown something to the contrary, which proved the innocence of the magistrates. What was wanted was an opportunity to show these facts to the country. If the House did not enter into this inquiry, could the country remain quiet? In denying inquiry, his majesty's ministers were not only guilty of a great want of feeling towards the country at large, but of injustice to the parties themselves, in holding them up in an invidious light to the country.—He trusted the magistrates and yeomanry would be able to clear themselves from the charge of cruelty, but that was a reason why the inquiry should be gone into. However they might clear themselves of cruelty, he did not think they would be able to clear themselves of the imputation of gross neglect.—One thing was admitted on all sides —it was admitted that the magistrates were aware the day before that it was an illegal meeting. At all events when they saw the fellows coming in the manner they did, they could have no doubt that it was an illegal meeting. But though they saw them so coming in, what did they do? They waited till 50 or 60,000 persons were assembled together to make the case more difficult. Thus from their own statements there was a great want of pru-

dence on the part of the magistrates. Supposing the magistrates and yeomanry however could acquit themselves of the severe charges against them, the noble lord was guilty of great injustice towards them, in holding them up to the country in so invidious a light. If it had not been for what fell from the noble lord he should not have troubled the House on this occasion. He was one of those who were convinced the present state of things must somehow or other be got rid of. He meant the state of things in the manufacturing districts—The manufacturers of those districts were a body of individuals on whom a great part of the prosperity of the country depended. All the manufacturers were in a state of derangement while this disposition prevailed. It was impossible that rich capitalists would remain in a country exposed to tumultuary meetings. Great numbers of manufacturers had been brought here from other countries, some from civil and some from religious persecution. But no persecution could be so fatal as a mob persecution. Every other persecution there was some means of softening, but this was unrelenting and implacable. Despotism itself was not so bad. Every man at all conversant with business must know that if this state of things lasted another twelve months it would be attended with the destruction of the manufactures of that part of the country, and would reduce to utter misery that part of the people of this country. He did not pretend to say what means would be successful for putting it down. Whether strong means or means of conciliation—but this he would say, that if such a state of things continued the manufacturers could not possibly go on. He really could not conceive what interest could be served by preventing the inquiry proposed from being carried on in that House. Every person possessed of capital was very much interested in the inquiry. He had only one more observation to make. He should say an inquiry ought to take place, not so much an inquiry for the purpose of ascertaining whether the magistrates and yeomanry were guilty or not guilty, as an inquiry on general principles, to let us see whether there had been any interference of government with the ordinary administration of justice—whether there had been any interference with the coroner, the magistrates or lord lieutenants, for the purpose of preventing the ordinary course of justice. On this subject there was a *prima facie* evidence of some interference. He did not allude to the bills thrown out by the grand jury—whether the grand jury were right or wrong in throwing out these bills, this was in the ordinary course of the administration of justice. But when he saw one set of magistrates refuse to listen to the applications made to them in the ordinary form, because they were themselves concerned in the transactions complained of; and another set of magistrates refuse to interfere, because their neighbours were concerned—when he saw the approbation of his majesty's government given, at a time when it was impossible they could be acquainted with the case of which they approved—and what was most extraordinary, and what in his opinion too little stress had been laid on—when he saw the inquest of the coroner at Oldham stopped for six weeks, he could not help saying that this was a *prima facie* case, that the ordinary course of justice was not going on—this was a state of things which had never existed before. It had been said that an inquiry was prejudging men who might afterwards be put on their trial. He said that this was not the sort of investigation, which he wanted, but that higher and far more important investigation, to ascertain whether the wheels of government were going on in the ordinary way. These were the reasons on which he grounded the vote he had given, and which would have induced him to oppose any address which after the extraordinary circumstances which had occurred, should not contain a pledge to inquire into them.

Lord *Compton* said, that the reasons which induced him to support the address were these:—Though it might happen that the House should vote in favour of inquiry, yet a majority might vote against any of the three modes of inquiry which were open to them. The first mode of inquiry was by an examination of witnesses at the bar. This mode of inquiry was open to many inconveniences, and they had been well exposed by the hon. member for Yorkshire. The second mode was by a committee up stairs; but in the present state of feeling in the country it would be difficult to make a selection of members which would satisfy those whom it was proposed to conciliate. The third mode was to order the Crown lawyers to prosecute the magistrates, &c. in a court of law. But he could not consent, nor

would the House consent, to act as the accuser of persons who were in its opinion not only guiltless, but meritorious. A great deal had been said of the thanks given by the ministers to the magistrates, because it was alleged that time had not been taken to inquire into the circumstances. But the magistrates were public functionaries, and surely, when they said that under such and such circumstances they had acted so and so, his majesty's ministers were bound to receive their statement as true, until it was proved to be false. If the statement of the magistrates had been found to be false, so far from being bound by their declaration, the ministers would have been justified in proceeding against them with the greater severity. The hon. member for Shrewsbury had said, that captain Birley's character had not been attacked in or out of the House. As to the House, the statement was correct, but in Manchester captain Birley's character was attacked in the most mischievous manner by a placard in a shop window. As to the dismissal of lord Fitzwilliam, he believed that nobleman to be as honourable a man, and as loyal a subject, as ever existed; but he thought, that if it was only that he differed from the ministers, not only in the mode of quelling the disturbances in his district, but even as to the nature of those disturbances—this alone would have been a sufficient reason for his removal. Besides this, the lord lieutenant was not merely the servant of the Crown, but of the ministers, and though lord Fitzwilliam would have been called upon by duty (entertaining such sentiments as he did), to demand an audience from the Prince Regent, to lay before him his opinion as to the conduct of the ministers; yet he was not justified in attending a meeting, to throw blame on the ministers for their conduct in the very department in which he had to obey their commands. But he followed the dictates of his conscience, and there was no disgrace in his dismissal. It was not more a disgrace for lord F. to differ from the ministers, than for the ministers to differ from him. As to parliamentary reform, before he (lord Compton) consented to enter into the consideration of that subject, he must be satisfied of two things; first, that the alteration of the constitution of parliament would be in a beneficial direction; and, second, that it would not go farther than he wished. What appeared to him an almost insuperable objection to an attempt to reform the House, was, that if any interest was already too strong in it, the result of the change in its constitution by the same body, would be to make that interest stronger. He was extremely surprised at the language held by one hon. member, who seemed to consider that the Manchester magistrates had shown an unbecoming eagerness for shedding human blood. For his part, he thought they had proved themselves anxious to avoid shedding blood, and that they had, by their judicious measures, saved perhaps the town of Manchester—saved the lives of a large portion of the multitude that had been dispersed, and vindicated the majesty of the laws.

Mr. *Hume* thought some of the remarks which had been made were founded on a misrepresentation of what had fallen from him, which misrepresentation, however, he had not seen.

Mr. *Valentine Blake* said:—I beg to assure the House, that, after the ample discussion which this subject has received, I shall feel it to be my duty to say but a very few words. I am not vain enough to imagine, that it can be in my power to alter the opinion of any hon. member, whose view of this subject is different from my own; but when I consider the vast importance of the question before the House, its consequence not only with regard to the rights of the people, but also to the rights, independence, and character of the parliament, and even the very existence of the constitution, and when, to my very great amazement, I find a course adopted by the hon. gentlemen on the other side, equally new, unnecessary, and pernicious, supported by arguments futile and dangerous too, no consciousness of my own inability to do the subject that justice which it has received from others, shall deter me from recording my sentiments in justification to my constituents of the vote which I have given, in the discharge of the most solemn duty which I may ever be called upon to perform towards them. In the first place, I think it right to observe upon a part of what fell last night from an hon. and learned gentleman. That hon. and learned gentleman recommended conciliation and clemency; and I admit the principle, as I am sure every man does who votes on this side of the House, if applied at the proper season. But it is not when sedition and blasphemy and avowed treason go hand

in hand with such alarming strides, that I would have recourse to measures which would be misrepresented by the disaffected, and called weakness. I would, in such circumstances, put on a firm resolution to suppress open rebellion, even if it went to that (as I sincerely hope it will not), and after having done so, I would then turn round and put on that air of clemency and conciliation so recommended by the hon. and learned gentleman. In taking this course I do not think that I could be charged with inconsistency; and therefore the imputation upon this identical point with respect to the inconsistency of the right hon. and learned gentleman, whose speech brought conviction to every unprejudiced mind, and whose life has been one uniform instance of political consistency and sacrifice appears to me to be wholly unfounded. The hon. baronet was not more happy than the hon. and learned gentleman in his attack upon the same quarter, and the ridicule which he attempted to throw upon the speech of the right hon. and learned gentleman must revert upon himself; for, surely, the hon. baronet cannot be so ignorant as not to know that the civil force of a parish or a district is not vested in the parish constables only, but in the magistracy of the county, with powers ample enough to warrant them in putting down a meeting so numerous as must be dangerous to the public peace, and the more especially so, when the temper and spirit of the persons who compose that meeting have been previously manifested by a training to military exercise, for the purpose, avowedly, of revolution. How such a meeting can be termed legal is astonishing, and only shows how far prejudice and party will cloud the best mind and the honestest judgment. The hon. and learned gentleman, who spoke this night on the other side, rose, as he said, for the particular purpose of giving a legal opinion in favour of the meeting; and having listened to him with anxiety, I never was more astonished than when that hon. and learned gentleman sat down, forgetting the express purpose for which he rose. I am perfectly sure that if a client went to that hon. and learned gentleman in his professional capacity, he would never think of giving his opinion without his reasons, because such an opinion would be looked upon as nothing; and from this it is fair to infer, that the hon. and learned gentleman has no reason to give. Another hon. and learned gentleman, who just sat down, gave a like opinion, and threw the weight of his authority into a scale opposed to that of the right hon. and learned gentleman, whose opinion, not only as to the illegality of the Manchester meeting, but of other meetings, was authenticated by the speech of the hon. and learned gentleman who spoke on the first night's debate from the floor, and who used the fact as a means of accusation against the law officers of the Crown, for not having prosecuted the offenders. But who, I will ask, ever heard of a prosecution against a multitude? That hon. and learned gentleman declared that he would, out of respect for the right hon. and learned gentleman who preceded him, consume a reasonable time in his reply, but although the time which he did consume was certainly very unreasonable, considering the matter of his speech, he did not consume one particle of the sound reasoning and unanswerable argument of the right hon. and learned gentleman. The hon. and learned gentleman by a long course of extensive employment, has raised himself in the estimation of every man (and in none more than in mine) to the head of his profession; but I hope it will not be deemed improper of me to say, that he ought as much as possible to refrain from legal device as a legislator. It must have happened to the hon. and learned gentleman, that when he was concerned on the wrong side, and found himself unable to meet the facts and the arguments of his adversary, as in the present instance, he found it for the benefit of his client to make a hash of those facts, and so to mix them up as to make them unintelligible, and thus to mislead the jury; but, surely, that course which would be advisable and proper for him to take as a pleader, ought to be repudiated by him as a judge; yet the contrary has taken place. Besides which, the hon. and learned gentleman had the candor to impute special pleading to a speech, which can only be justly appreciated, when its effects are considered after the display of talent and legal knowledge and eloquence to which it was a reply. The hon. and learned gentleman, I am astonished to say, also thought that it was necessary at this time of day, to go about to prove that the right of the subject to petition was a right which could not be taken away without annihilation of the constitution—but this was an extraordi-

narily unnecessary course. Who is it that does not admit the right? Yet if it was disputed, the record to which the hon. and learned gentleman adverted would have been but poor authority, when the circumstances of the times which it referred to are considered, especially when it is known that then in reality the king disputed the right, and went to such lengths as to induce the hon. members of that day to go to the House armed, prepared to fight, and not to deliberate. This right is not, nor ever shall be, with my aid, disputed, but I look upon an abuse of the right as most dangerous, even to its own existence, and therefore I will resist it. The liberty of the press is a valuable right; but what does a libel consist of but in an abuse of that liberty. The right to petition is also a most valuable right; but is a flagitious and flagrant abuse of it to be tolerated to an extent which would, by its explosion, produce revolution, with all its attendant horrors, as lately exemplified in France? while the guilty libeller is punished for a crime certainly much less dangerous, because less rapid in its effect. I have but one word more to offer; hon. gentlemen on the other side have often thrown out against us who support the government, charges of the most abominable corruption; but it is time to retaliate, and I will not shrink from the undertaking; individually, I confess, I respect and admire those hon. gentlemen denominated the Whigs of this day, but as a party I must point at the fallen image which they have so long worshipped. In the infancy of that party perhaps I would have admired its principles; in its growth I would have feared them; in its manhood I opposed them; and now, in the hour of its final dissolution, I despise them. Power, power, power (no matter by what means acquired) was their constant object; blinded by this passion, and goaded on by continual disappointment, they have at length delivered themselves over (without intending it) to the projects of disaffection and treason. It is in vain that they have laboured and tortured this fair inference, in order to separate themselves from their new allies; the impression has gone abroad, and will never be effaced. The substantial principles of this party have long since vanished; even the name, to which they would still fondly cling, is gone, and nothing remains to them but political distrust, insignificance, and ruin.

The report was then agreed to; and the Address was ordered to be printed by the whole House.

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## HOUSE OF LORDS.

*Monday, November 29.*

MISDEMEANORS BILL.] The *Lord Chancellor* rose to introduce a bill. He begged leave to assure their lordships, that it did not arise out of the circumstances of the times. It was well known that it had been his intention to introduce this bill, whether the circumstances which at present called for their consideration had occurred or not. He then proceeded to describe the object of the bill. He stated, that it was the practice of the courts to allow defendants, in cases of information or indictments to imparle or traverse. The effect of which was, to gain time till the next term or sessions. The effect of this practice had been, in several instances, that the trials of individuals against whom informations had been filed, or indictments found, had been so delayed that the prosecution failed to answer any of the purposes for which it was commenced. His object, therefore, in the present bill, was, to take away the right of imparling or traversing, by compelling the parties to plead in the term or at the sessions in which the information should be filed or the indictment found, unless, upon any special grounds urged, the court should think proper to allow the parties to imparle or traverse. This would prevent those unnecessary delays to which he had already adverted, without in any way interfering with substantial justice. His lordship presented the bill, which was read a first time.

Lord *Holland* wished to understand distinctly the object of the bill. He had not caught sufficiently the expressions of the noble and learned lord to understand whether the bill was intended equally to apply to imparling and traversing, to prevent both, or in what particular way it was in that respect to operate. He wished, therefore, for further information upon those points. There was another point also respecting which he wished to know whether any provision was introduced into the bill—he alluded to informations filed *ex officio* by the attorney-general. He wished to know whether there was any provision by which that

officer, in case of his not proceeding after a certain time upon an information, might be compelled either to go on or to enter a *nolle prosequi*? He wished likewise to be informed, whether any provision was introduced into the bill for the purpose of enabling the court to grant a copy of an information or indictment to the defendant, at the public expense? As, according to what had been stated by the noble and learned lord, the defendant was to be hurried on to his trial much more rapidly than at present, it seemed more than ever necessary that some provision should be made, by means of which he should be enabled to know the precise nature of the charge against him. If this were not the case, the bill would appear to do every thing for the prosecution and nothing for the defendant.

The *Lord Chancellor* said, that what was called imparling in civil actions, was more generally known by the name of traversing in cases of prosecution for misdemeanor, and it was the right arising out of this practice, which it was the object of the bill to take away, except in those cases where, from special circumstances, the court, either of king's-bench or at the sessions, should deem it advisable to allow the party the benefit of traversing. Respecting *ex officio* informations, there was no provision in the bill, but it would be, of course, competent to any noble lord, in the progress of the bill, to move any clause he might think requisite. Neither was there any provision in the bill with regard to the granting of copies of informations or indictments to defendants at the public expense. Every court, however, would of course feel it to be a duty that a defendant (who must of course, know the general nature of the charge against him) should be made acquainted with the precise nature of the charges against him contained in any information or indictment on which he was to be tried.

The bill was ordered to be printed.

BLASPHEMOUS LIBELS—SEIZURE OF ARMS—TRAINING PREVENTION BILLS.] Lord *Sidmouth* rose to call the attention of their lordships to the measures which the ministers of his royal highness the Prince Regent thought it necessary to propose in the present situation of the country. He trusted that their lordships would find those measures to be such as would suit the necessity of the case, without going beyond it; and to combine a due regard to the right of the subject, with that consideration which was due to the safety of the state. It was unnecessary for him to go into any detail of the danger in which the country was placed; that was admitted: it was known, that a conspiracy existed for the subversion of the constitution and of the rights of property; and that it was intended to subvert the fabric of the constitution in church and state. Among the means adopted for the accomplishment of this end, it was with grief he had to state, that the press was one of the principal. It had greatly contributed to produce the danger against which their lordships had to guard. It was a subject of most melancholy regret that the free press, which had hitherto been the glory of this country, and had contributed so much to its greatness from a shield and guard of liberty, should become an instrument of its destruction. Yet this was what their lordships had witnessed. That act which was calculated to instruct and console, was perverted to rob mankind of all hope of future happiness; because it was supposed, that when the people of this country were deprived of all the consolations of religion, they would be the better prepared to throw off their allegiance, and lose their accustomed respect for the laws and the constitution.

He should now state to their lordships, as accurately as possible, the nature of the measures which were at the present crisis thought necessary to meet the enormous evil he had described. It was the great character of a free press that its productions were not interfered with before publication; but that when the publication took place, if it should be considered to be injurious to morals, to religion, or to the good order of society, it then became liable to prosecution. In the bill which he was about to describe to their lordships, as one of those to be submitted to their consideration, this great principle, on which the free press was founded, was not invaded. It had been, indeed, in consideration, but for a moment only, whether some step ought not to be taken preliminary to publication; but that idea was immediately discarded, as inconsistent with the principle to which he had referred. The bill he had first to propose to their lordships, had not in view to visit offenders with increased punishment in the first instance; but, in case of

the repetition of any seditious or blasphemous libel, it was thought advisable that an additional punishment should be inflicted. It was therefore proposed, that any person, having been tried, convicted, and punished for a seditious or blasphemous libel, should, on conviction of a second offence, be liable, at the discretion of the court, to the punishment of fine, imprisonment, banishment, or transportation. It was also proposed that, in such cases of second conviction, a power should be given to seize the copies of the libel in the possession of the publisher: the copies so seized to be preserved until it should be seen whether an arrest of judgment was moved, and then to be returned to the publisher, if the judgment of the court should be in his favour. These were the chief provisions of a bill which he should have the honour to submit to their lordships; but he might here be permitted to advert to what was intended to be proposed in another place, in order that a distinct view might be obtained of the whole of the measures which his majesty's ministers thought it their duty to recommend. The principle of the bill which he had next to explain, he must acknowledge, was not similar to that which he had just described. It was intended to propose, that all publications, consisting of less than a given number of sheets, should be subject to a duty equal to that paid by newspapers. This might, perhaps, be said to be breaking in, in some degree, on the principle laid down in introducing the previous bill to the knowledge of the House. It would be for their lordships, however, to consider the necessity of the occasion, and to say, whether this degree of infringement of the principle was not indispensable, in order to check the progress of blasphemy and sedition. Another provision of this bill would be, that persons putting forth a publication of the kind to which he had adverted should be required to enter into recognizances, or give security of their ability to pay any penalty which might be inflicted on them. A great feature in the evil which their lordships were called upon to correct, arose from the assemblages of great bodies of people. Those assemblages were influenced by seditious publications and itinerant demagogues, who availed themselves but too successfully of the present state of the laws, in order to bring great bodies of people together from different parts of the country. As the law now stood, any individual might issue his mandate to bring together all the idle and curious part of the population of the country at any time, or in any place he pleased. The persons who had called these meetings considered themselves empowered (whether legally or not was not at present the question) to attend them with martial music, flags, and banners, all of which ensigns, independently of that flagitious standard displayed at Manchester, and which was so indicative of the designs of those who bore it, were of a nature calculated to produce disorder and alarm. He should now state to their lordships, what were the provisions of the bill by which it was proposed to obviate the danger arising from such tumultuous and seditious meetings. In the first place, he could assure them, that it was not intended to interfere with the right of the subject to petition the Prince Regent or parliament, or to meet for the discussion of any grievance under which the people might conceive that they were labouring; but it would be seen, by reference to the bills on the table, that one of the principal causes of the agitation, alarm, and disorder which at present prevailed in the country, was, in addition to the licentiousness of the press, the assembling of great bodies of people to hear the harangues of itinerant orators. Nothing would be introduced into the bill that would tend to impede or interrupt meetings regularly called by a sheriff, boroughreeve, or other magistrate; but it would be proposed to enact, that if any parties should be desirous of meeting for the consideration of subjects connected with the church or state, their intention should be notified by a requisition, signed by seven householders, and that it should be illegal for any person not usually inhabiting the place for which such meeting was called to attend it. In another provision, it was proposed to give to the magistrates the power, with some limitations, of appointing the place and time of the meeting.

These, according to the best of his recollection, were the leading provisions of the bill relative to public meetings, which, with the preceding bill, would be introduced in another place. He had now to call their lordships attention to another measure which he should have to submit to their consideration. It appeared, from the correspondence now before parliament, that the persons who agitated the country by large assemblages, emboldened

by their numbers, had contemplated means for attaining their ends, very different from their ostensible purpose of petitioning, and that they were prepared to proceed to accomplish their illegal object by force of arms. The preparation for this object had been carried on to a most formidable extent; and yet he had been told, that, in consequence of the present state of the law, unless the criminal intent should be proved, or a breach of the peace take place, meetings of military training could not be visited with any penalty. Full proof of the extensive drilling and military exercise which prevailed in Lancashire was afforded by the numerous depositions in the papers on the table. It might, it was true, be urged, that very few names appeared to these depositions; in many instances only the initials were printed, and sometimes the names of individuals were left blank. The reason of this was, that many of the persons who had been examined did not choose that their names should be made public: the apprehension of danger from such disclosure was great, and was sufficient to account for the suppression of the names; but for the authenticity of the depositions their lordships knew the magistrates were responsible. In all cases, the names of the magistrates were given, though the names of the individuals who gave the information might remain unknown. His lordship referred to the evidence of one person for what took place on the day previous to the Manchester meeting, and the deposition of that person was signed with his name. It was known that there was to be a meeting in the neighbourhood on the 15th of August, for training, and that that assemblage was to be the last previous to the Manchester meeting. Their lordship's upon reference to the papers, would see the account which was given of the conduct of the persons who assembled for military exercise at White-moss. The witness, after describing what he saw, stated, that he and his companions had been pursued by part of the persons assembled, and, when overtaken, received very severe treatment. In consideration of this state of things, it was proposed to prohibit military training, except under the authority of a magistrate or lord-lieutenant of the county. Their lordships were also aware of the terror which prevailed in consequence of the knowledge that the disaffected were in the possession of arms. Papers on the table left no doubt of the danger which was to be apprehended from this source. It had, therefore, he regretted to state, been deemed indispensably necessary to give to magistrates in the disturbed districts, on evidence which might afford a well grounded suspicion of arms being collected for the purpose of being illegally employed, the power of searching for and seizing them. It was also proposed to give the power of apprehending persons carrying arms for such purpose, and of seizing the same, and of detaining the individual on whom arms might be so found; the right of appeal to the quarter sessions being, however, allowed to the person so apprehended and detained.

These were, in outline, the whole of the measures relative to the state of the country, which ministers thought it their duty at the present moment to submit to parliament. He had abstained from many details which appeared more suitable to subsequent stages of the bills. He was impressed with the hope, that, improved by the assistance of their lordships and the other house of parliament, they would be found suitable to the momentous occasion which required their introduction. Conciliation had been recommended, and it was with the most ardent wish of his majesty's ministers to resort to measures which were truly conciliatory; but they would not consent to compromise the safety of the state. Any mode which should be proposed for relieving the distress of the country would always receive their thanks and attention; for that was the great object which ought to be kept in view. If such proposition should present itself to the mind of any noble lord opposite, it would be gladly received by himself and his colleagues. But, to hold out a disposition to blend conciliation with concession, was a course to which he could not agree; for it was one fraught with danger; but what, he would ask their lordships, had they to concede. Did they not possess the constitution they had received from their ancestors? And was it not their duty firmly to maintain it? That constitution was now in greater danger than it ever had been at any time, since the accession of the House of Brunswick to the throne, and he therefore called upon their lordships to rally round it. He called upon the noble lords opposite to give their aid, to assist in defeating the common enemy that

threatened the subversion of the constitution and every thing valuable in the existing order of society. Whatever differences they might have, let them in the mean time go hand in hand in this great object, and not only endeavour to avert the danger of the present moment, but, as far as possible to, secure the constitution against future attacks. He assured the noble lord that his great object was, that the government should be administered according to the constitution; that the country should never be placed under a military government, but should always enjoy the government of the laws. He proposed that the bills he had prepared should now be read a first time. On Thursday he would move the second reading, and in the mean time they would be printed.

Earl *Grey* said, he should object to so early a day as Thursday being fixed upon for the second reading of these bills. The noble secretary had, indeed, prefaced the proposition of his new measures with a statement which contained the grounds on which he meant to support them; and, by the connected view which he gave of the whole system, had enabled the House to understand the extent of the demands to be made upon it; yet their lordships would necessarily expect more information than had yet been given, before they proceeded to legislate, and would require that the introduction of each bill should be accompanied with a clear exposition of the reasons which rendered it necessary, or justified its enactment. On that day the House was summoned to the discussion of the bill brought in by the noble and learned lord on the wool-sack, which contemplated, as was rightly stated by the noble and learned lord, a most important alteration in the existing law of the land, an alteration which could not be allowed to take place without the fullest investigation, and the evidence of its necessity. With the prospect of this discussion on the second reading of the noble and learned lord's bill, their lordships would not, he was convinced, consent to appoint the second reading of three other important bills on the same day. The noble secretary had called upon their lordships to support his proposed measures, from a consideration of the dangers by which they were surrounded; and if he could be prevailed upon to think that the bills now before the House could meet and repress the evils described, he would be the first to obey the call, and lend them his cordial support. But, viewing as he did their character in a different light from the noble secretary; having a different conception of the danger, looking upon it as arising from causes and requiring remedies which were little attended to, if not entirely overlooked by his majesty's government; and believing that the system of force, coercion, and terror, which was now attempted to be established in this once free and happy country, was calculated rather to irritate and inflame the discontents that existed, than to allay or repress them; to increase the danger rather than to diminish it; and to confirm rather than to remove that settled distrust and want of confidence between the people and legislature, which, he was sorry to say, the proceedings of parliament were calculated to spread throughout the land!—thinking and believing in this manner, he would declare, that instead of promising his concurrence in those measures called for by the noble secretary, he must take the earliest opportunity of protesting against them, and state his conviction, that instead of saving, they would produce ruin to the country. He could not but view the encroachments now attempted on our most valuable rights with the utmost regret and alarm. The proposed bills went to impose restraints on the right of public meetings for petitioning, which, he allowed might, in some cases, be abused, but which restraint could not be established consistently with the maintenance of the right. The restraints about to be imposed on the press, he had heard with the utmost dismay. They were absolutely incompatible with the freedom which the noble secretary admitted had produced so much advantage to this country; which had protected those institutions and diffused that spirit which constituted its boast and its glory. The noble secretary had stated, that the seditious and blasphemous publications were one main source of the dangers with which the country was now threatened; but, had he ascertained that the destruction of the freedom of the press was the only mode of checking its abuses; and had he reflected on the evils which restriction would bring along with them? To the freedom of the press this country owed the preservation of its liberty, which could not be long maintained without such an alloy, and with its liberty, its strength, its happiness, and its glory. When, there-

fore, he saw a design to impose new restraints upon the press by enacting severe additional punishments in cases of second convictions, and requiring securities before publication, he could not but be alive to the evils which the measures would produce. He was alarmed when he reflected how it would raise the price of knowledge, and impede the progress of education to the poor. It took away the protection allowed to free discussion, and aimed a blow at one of our most valuable rights, such as the most arbitrary ministers in the most arbitrary times, never proposed to parliament, and against which he would never cease to protest.—But there was another view of the case which rendered the proposed restraints the more obnoxious, by taking away all pretext for them. The noble secretary now demanded the enactment of new laws for the protection of the government, and the maintenance of public order: but had the old laws been enforced, and found inefficient for that object? The noble lord, before he asked for additional restrictions, was bound to show that those seditious and blasphemous works which had been so long in circulation, had been made subject to the most rigorous exercise of the existing laws of which they were susceptible. He (lord Grey) knew that the law officers of the Crown had in one or two instances, prosecuted without being able to procure a conviction; but he knew at the same time, some horrible and disgusting publications—publications directly recommending assassination—publications supporting principles contrary to all law and order—had not been prosecuted. For two years the most seditious doctrines had been published in a work alluded to in the papers on the table—"Sherwin's Political Register;" and yet no attempt was made to check their spread. Such works had poisoned the public mind, if the good sense of the people would allow them to be poisoned by such offensive trash; but no endeavour was made to suppress them by the existing laws. The noble secretary, therefore, before he came to ask for new enactments, was bound to show that such offenders had been prosecuted as they ought, and that the existing law was insufficient for their coercion and punishment. Feeling as he did on these points, and looking as he did with dismay on the proposed system of government, which would increase the danger it was meant to avert, he could not but take the earliest opportunity of expressing his sentiments, although he did not mean to enter at large into the separate measures: those measures comprehended restraints on public meetings and on the liberty of the press, and put it into the power of the magistrates to deprive the subject of those arms which he might have for his own defence. The justification of such restraints rested on the papers which had been presented to the House, and which were considered by his majesty's ministers as disclosing a great extent of danger. Now, he was willing to allow that these papers, incomplete as he maintained them to be, and requiring many additions and explanations, did prove a considerable extent of danger, but a danger arising from the distress of the people—a distress amounting to absolute hunger, and admitted in their first accounts, as the cause of the danger. That there were persons who took advantage of this distress to inflame the discontents of the sufferers, he was willing to allow: but he said there was no evidence either in the papers on the table, or in the general state of the country, to convince him that any conspiracy against law and order had been formed, or that the public tranquillity was extensively threatened. Such a conspiracy, and such a danger, he neither saw in any way proved, nor could he believe in its existence. The noble lord had spoken of conciliation; but his notions of it were rather rigid. He had declared that he would subdue first, before he would concede. Now, he (lord Grey) could not conceive on what ideas of dignity the noble secretary went when he maintained such a maxim. If there were demands which the people had a right to make, and which, from the state of the country, it was proper to grant, why resist concession? He was prepared to admit that the people had a right to an indulgent attention to their grievances; that there existed abuses in the government, and defects in the construction of parliament which ought to be taken into consideration; and that a yielding to the prayers of the nation in this respect might allay discontent, without being a dangerous concession. To these and such things parliament ought to turn its attention. It ought to institute inquiries into their grievances, and show a desire to redress their wrongs or injuries where they have been suffered or inflicted. Such mea-

sures of conciliation would do more to bring back the country to peace and tranquillity than the present bills, and give it more strength and security than any system of restraints, or laws of severity and coercion.

The Earl of *Liverpool* said, he did not rise for the purpose of entering on the discussion of any of the bills which had been submitted to the House. The question now was as to the first reading; and to this there seemed to be no objection. But he could not allow the speech of the noble earl to go forth to the world without some reply, as it was calculated, if left uncontradicted, to produce a false impression. The noble earl had treated the proposed measures as a system of coercion; whereas he (lord Liverpool) was prepared to maintain that they composed a system of protection. If they prevented those acts which endangered the existence of our rights, they were the best safeguards of those rights. He was prepared to deny that any one of them, with the exception of the bill relative to the search of arms, went to affect the proper, legal, and well-understood privileges of Englishmen. The bill for preventing seditious meetings, so far from having any tendency to abridge the right of petition, was its best protection by putting a stop to those tumultuous assemblages which had grown out of a good, but which might endanger that good, by disgusting every Englishman with such an exercise of it. The bill before the House would thus give the right of petition tenfold additional security. It was a bill not to prevent meetings of the people in their own districts, but to put a stop to the assembling of great multitudes collected from distant parts, and guided by demagogues, who stimulated their minds to a hatred and contempt of every thing dignified or venerable. If such evils were allowed to proceed to greater inveteracy, how could they be put down? Why, by military force. And would any good man, or lover of his country, wish such a result? No; therefore such disorders must be checked and put down in time. Those were the best friends of the right, who prevented its abuse. The other bill regarding restraints on the press, he was prepared to contend, must be viewed in the same light. the noble earl had not understood the extent of the evil of seditious and blasphemous publications, or the power of the law as it at present stood in checking them. The present laws were not adequate to check the mischief. They had been tried; they were now in a course of trial; but unless some more effectual enactments were added, the evil would continue. The severity of the proposed measures did not justify the complaints of the noble earl. The extent of the proposition before the House did not go to alter the law, as far as respected first convictions. It merely said that a person who had been tried, convicted, and punished for a blasphemous and seditious libel, might, on a second conviction be subjected to greater severity of punishment, by imprisonment, banishment, or transportation, at the discretion of the court. The other measure affecting the press, which would go to impose a duty on a certain class of publications, could scarcely be regarded as any change of the law; it was rather an enforcement of an existing law which had been evaded, than the enactment of any new law. Nor did he see any thing particularly objectionable in the bill which required the printer and publisher to lodge securities, against any fine that might be imposed on him for the abuse of the freedom of the press. Was it to be endured, that these men should be allowed to scatter their poison about, without being known who were responsible for them? The noble earl had spoken of moral tracts; but with respect to them, some satisfactory resolution would be introduced into the bill. The only other law in what was called this system of coercion, namely, that authorizing a search for arms, was merely a re-enactment of the statute against Luddism. Having said thus much, he would not trespass longer on their lordships' attention than merely to speak of the arrangements for the second readings. His noble friend had fixed Thursday for the second reading of all the bills; if they could not be discussed then, along with the bill introduced by his noble and learned friend on the woolsack, the debate might be postponed to another day. He could assure their lordships, that there was no disposition on the part of ministers to prevent the fullest examination and discussion. He would wish that the training and search bills, as they were of imperious necessity, should be first discussed. He would suggest, that the lord chancellor's bill might be read a second time on Friday.

The training and search for arms bills were ordered to be read a second time on

Thursday; the lord chancellor's bill a second time on Friday; and the blasphemous a second time on Monday next.

## HOUSE OF COMMONS.

*Monday, November 29.*

PRINCE REGENT'S ANSWER TO THE ADDRESS.] Mr. Speaker reported the Prince Regent's Answer to the Address, as follows:

"Gentlemen: I receive with sincere pleasure this loyal and dutiful Address. The determination of the House of Commons firmly to support at this important conjuncture the laws and constitution of the country, cannot fail to inspire every loyal subject with confidence: Their declaration on this occasion is most acceptable to me, and I receive it with the highest satisfaction, as the surest pledge that the public tranquillity will be effectually and permanently maintained."

REVENUES OF THE COLONIES.] Mr. *Hume* said, that towards the close of the last session, he had submitted several motions to the House respecting the state of the colonies; but as the lateness of the period did not allow them to be properly gone into, he now rose to renew his notice for the present session. The object he had in view was, to obtain a just account of the expenditure of the different colonies, which would be comprised in his motion. Preparatory to that step, he should now move for a correct account of the civil and military establishments in certain of our islands, in the years 1793, 1805, and 1818, in order to see what increase had been made therein, and to ascertain whether any and what benefit had been derived from those settlements. He should also move for another return respecting those which were denominated "King's colonies." He meant those colonies that were exclusively governed by the Crown, and did not partake of the benefits of British law and British legislation. It appeared to him to be a question of great importance, whether those colonies should remain, as they at present were, governed by orders in council, or be subjected to the system which prevailed in the other colonies; the more especially as the money derived from them was, he believed, expended in a manner little conducive to the interests of this country. He particularly alluded to Ceylon, the Mauritius, the Cape of Good Hope, and the Ionian islands, as far as this country was concerned. The state of these colonies had never been investigated; and he would, in the course of the session, bring the question before the House, in order that parliament might decide, whether they should continue under the government of the king in council, or be admitted to reap the benefit of a participation in British laws. He should move for a return of the civil and military expenditure of the islands of Ceylon, Malta, Gazo, the Cape of Good Hope, and the Mauritius, to the latest period to which it could be made up. The hon. member then moved "for a return of the amount of revenue collected in the island of Ceylon, from the period when the said island came into our possession to the latest time to which the same can be made up, with the several items of expenditure of every kind, civil and military; also an account of civil offices, the salaries affixed to which exceed 250*l.* per annum, with the names of the officers filling them, the persons by whom they were appointed, and stating whether the duties were performed personally or by deputy; likewise an account of the military staff-officers, distinguishing their pay and emoluments." A similar motion was made respecting the Mauritius, the Cape of Good Hope, Malta, and Gazo, and the Ionian Islands; and also for an account of the civil and military establishments in the West Indies, in North America, and Canada, from 1792 to 1818, distinguishing the increase since 1797. The motions were severally agreed to.

BOROUGH OF CAMELFORD.] Mr. *D. W. Harvey* said, the House had, in the last session, agreed to certain resolutions respecting the borough of Camelford. One of those resolutions was, that the Speaker's warrant for a new writ for that borough should not be issued until ten days after the commencement of the next session, which period would expire on Thursday next; and another pledged the House to take into consideration the report of the committee on the Camelford election. He wished that the issuing of the warrant should be postponed until the report was considered; and, with that view, he would to-morrow move, that the order for not issuing the warrant until ten days after the meeting of parliament should be discharged, and that the Speaker be directed not to issue the same until the re-

port should have been taken into consideration.

PUBLIC DEBT.] Mr. *Hume* rose to move for an account of the public debt of Great Britain and Ireland, to which he had called the attention of the House last session. The account which he was about to move for would, if produced, show the total amount of the funded and unfunded debt of this country, from the year 1786 to the year 1819, in a much more clear and correct manner than any that had ever been laid before the House. He then moved for "An account of the amount of the public debt of Great Britain and Ireland, and the interest thereon in British currency, as it stood on the 5th January in each year, from 1786 to 1819, in separate columns:—1. Debt redeemed, and interest thereon, Great Britain, including the Austrian and Portuguese loans:—2. Debt redeemed, and interest thereon, Ireland:—3. Total debt redeemed, and interest thereon, both countries:—4. Funded debt unredeemed, and interest thereon, including the Austrian and Portuguese loans, England:—5. Funded debt unredeemed, and interest thereon, Ireland:—6. Total funded debt unredeemed, and interest thereon, both countries:—7. Total funded debt, redeemed and unredeemed, and interest thereon, both countries:—8. Unfunded debt, and interest thereon, Great Britain (including all interest due, but not paid, on the 5th January 1819):—9. Unfunded debt, and interest thereon, Ireland (including all interest due, but not paid, on the 5th January 1819):—10. Unfunded debt, and interest thereon, both countries (including all interest due, but not paid, on the 5th January 1819): 11. Total debt unredeemed, funded and unfunded, and interest thereon, including all interest due, but not paid, both countries:—12. Total debt, redeemed and unredeemed, funded, unfunded, and interest thereon, both countries, including amount of annuities paid in each country, and the expenses of management."—Ordered.

MANCHESTER MEETING.—PETITION FROM MANCHESTER RESPECTING THE CONDUCT OF THE MAGISTRATES.] Mr. *Bennet* said, he rose for the purpose of presenting a petition signed by a large body of merchants, manufacturers, tradesmen, and other inhabitants of the town of Manchester, praying the House to institute an inquiry into the fatal transactions of the 16th of August. The signatures of between 6,000 and 7,000 persons were affixed to this petition, which bore the names of many eminent merchants, manufacturers, and tradesmen. It was, indeed, signed most respectably, and he thought that it spoke, in the moderation of its tone, and the propriety of its prayer, the sentiments of the great majority of the inhabitants of Manchester. It set forth, that which was unfortunately too well known to the House and to the country—that very great distresses had long prevailed in Manchester and its neighbourhood. Those distresses, which for some years past had weighed heavily on the lower classes, induced them to apply to parliament for relief; but their prayer not having been attended to, the consequence was, that a very general opinion had been entertained in that quarter in favour of parliamentary reform, as the only mode by which their situation could be ameliorated. In that opinion, he entirely concurred. He conceived that reform was necessary; but to what extent, or by what means it ought to be carried into effect, he did not at that moment presume to determine. The petition went on to state, that various meetings were held in that neighbourhood on the subject of reform, and at length one was called in the month of August last, which, in consequence of an illegality in the notice, did not take place. Another was convened for the 16th of that month. The result of that meeting, and the calamity which fell on many of the persons who were present at it, the House and the country were so well aware of, that he would not trouble them with any remarks on the subject. Notwithstanding what fell from the noble lord the other night, who thought fit to declare, that the whole case which had been made out on the part of the people, was founded in calumny—that it did not rest on the slightest evidence, he must say that he had read, and read most attentively, all the details of the transaction; and he pledged himself it would appear, that no less than eight or ten merchants and manufacturers, whose credit was perfectly unimpeached, had distinctly sworn to the truth of those allegations which the noble lord had attempted to disprove. When those statements, which were now only partially known, were laid before the public, containing, as they did, *verbatim*, the evidence of most respectable people, they would be found to corroborate much of

what had been said relative to the transactions of the 16th of August. He did not mean to assert, that they would establish completely the truth of all that had been advanced; but he was bound to declare, that, in his opinion at least, those eight or ten persons had spoken nothing but what was strictly true. If it was necessary to sum up the evidence, he believed it would be found that all those points which appeared to be contradictory, might be so united together, as to make out one clear, distinct, plain tale, that would not impeach the testimony of any man of honour, acting in the capacity of a witness, but would fully establish this truth—that the conduct of the military on that occasion was cruel in the extreme. The petitioners stated, that they, as well as the persons injured, had endeavoured, as far as lay in their power, to appeal for justice to the ordinary tribunals of their country. In the first instance, certain cases were selected, and sent before the grand jury, but unsuccessfully. It would be highly unbecoming in him to cast any reflection on the decision of that body, because independent of the respect which was due to an institution of that kind, and leaving out of consideration the conviction which he felt that twenty-four gentlemen, acting on their oath, would proceed cautiously, he might be permitted to say, that there were individuals on that grand jury, with whom he had been connected in ties of intimacy and friendship during the whole course of his life, even from his childhood, who, he was convinced, would perform their duty most conscientiously. Amongst these was his noble friend below him (lord Stanley), who acted as foreman of the grand jury, than whom no man possessed a more honest head or heart. He was incapable of doing an unworthy action. Having tried the grand jury, and failed, the petitioners applied to the magistrates, and were informed by them, that they could not interfere, since it would ill become them to act as judges in their own cause. They next laid their complaint before the magistrates at Warrington, who stated, that they did not approve of the transactions at Manchester, but declined to take any cognizance of the business. Thus situated, they deemed it necessary to address that House, as the grand inquest of the nation; they prayed for their interference, and besought parliament to cause an investigation to be set on foot with respect to the whole of the proceeding. They entreated the House to inquire, whether the magistrates had exercised a sound or a mischievous discretion; and, above all, whether his majesty's government, in giving thanks to the magistrates for their conduct during these proceedings, had not afforded the sanction of the Prince Regent's authority to an act which was viewed throughout the country with universal abhorrence. He most anxiously called on the House to receive this petition, and to attend to its prayer; because, from all he could learn, he believed there did exist a general distrust in the proceedings of parliament, which he wished, as much as possible, to remove. The tone and temper of the popular mind was much soured by those recent transactions. He believed one great feature of the English character to be, the love of impartial justice. It had "grown with their growth, and strengthened with their strength;" and the little attention which of late years had been paid to the petitions of the people, appeared to him to be one of the greatest calamities that had ever befallen the country, because it had tended to widen the differences which unfortunately existed between the Commons of England and the Commons House of Parliament—a difference which no man could perceive without deep regret, and which all who wished well to their country would endeavour to remove. The hon. member concluded by moving, "That the petition be brought up."

Sir *Robert Wilson*, in seconding the motion, said, he concurred most cordially in all that had been offered by his hon. friend. Having read the whole of the evidence, as well as the papers that had been laid before the House, and which might be said to be a bill of indictment against the people of Manchester, he would plainly declare, it was is conscientious conviction, that the only offence committed by the people was, not a resistance *vi et armis*, against the civil power, but that sort of unintentional resistance which a dense crowd of persons could not avoid giving to those who endeavoured to force their way through them. He believed that no resistance was offered to prevent the party from approaching the hustings; and it appeared to him, that no attempt was made to apprise the people that the civil power wished to approach, for a particular purpose. If such

an intention had been made known to Mr. Hunt, he had declared that he would himself have made way, and submitted at once to the civil authority. This was proved by what occurred when Mr. Hunt was apprehended. He immediately asked, "Have you a warrant? I will yield to the civil power; but I will not recognize military authority." The magistrates did, most unconstitutionally, order an armed body to advance against an unoffending multitude, composed of reformers and non-reformers, of spectators as well as actors. This was undeniable. But whether the military conducted themselves with temper—whether they exercised that sound discretion which they ought—whether they advanced with due caution—whether they were accompanied by a civil officer—and whether, having flourished their swords about their heads, they advanced rapidly, killing a constable and an unfortunate woman and her child, overturning and trampling on a feeble old man, who was supported by a crutch, and maiming in their course 400 or 500 persons—these things had not been inquired into, and they were matters of too serious a nature not to demand investigation. However the encomiums that had been pronounced on captain Birley by his hon. friend, and by the noble chairman of the grand jury, might have been deserved, still nothing appeared in that gentleman's evidence which controverted the statements that had been made relative to the conduct of the cavalry. He wished to say nothing to prejudge that individual's case, but he was certainly charged on oath with being one of the party who, on that occasion, cut down a man near the hustings, which man was supposed to be John Lees, and he was therefore implicated in the business which was now pending before the coroner. Another point of importance was the fact that the swords of the yeomanry were sharpened. Notwithstanding all that had been said within the walls of that House, nothing had been adduced that could contradict this statement, which was fully borne out by the evidence given before the coroner. [Coughing, and other marks of impatience.] If gentlemen would have a little patience, he could substantiate his statement. Daniel Kennedy, who was the cutler employed on the occasion, gave the following evidence:—"In the week ending the 17th of July, I had done 63 swords. Previously to the 16th of August I was told to sharpen those that remained very well." He was asked "Did you make them very sharp?" The answer was, "Yes." It was next demanded, "Were the swords ever brought to you to be sharpened before?" He answered, "From time to time they were brought to me to be cleaned, but not to be sharpened." "Did any of those swords want repairing?" "Some of them," said Kennedy, "might, but they were sent to be sharpened." He was then asked, "Did they want sharpening?" He answered, "They were as sharp as swords usually are." If this evidence could be disproved, it must be done by information not yet before the House. As no judicial inquiry was likely to be obtained under existing circumstances—as there was no chance that justice would be done to the parties injured, in the county of Lancaster, and inquiry ought to be instituted in that House. When, in the first instance, the coroner's officer refused to proceed with the inquest—when one coroner had manifested a degree of indecency which he would not state to the House—when they saw another acting most improperly, as he had done—when they knew that 27 persons were kept in custody for eleven weeks, and then discharged without any offence being proved against them, and without being held to bail, it was impossible not to conclude that the county of Lancaster, under the present circumstances, was out of the pale of the law. He therefore hoped, in common with his hon. friends around him (to whom he was bound by no party ties, whom he supported, because he thought they had the best interests of the country at heart), that the whole of the case would be minutely investigated. He trusted his hon. friends would persevere in the course they had adopted, that they would place themselves in "the imminent deadly breach," and defend to the last the laws and constitution of the country. He hoped they would not allow any bill to go through that House which was calculated to trench on the liberty of the subject, until a full, fair, and impartial inquiry was conceded.

Mr. *Mansfield* said, he had no opportunity, more than the gallant general who had just sat down, of forming an opinion on this subject; but, having read the papers that were submitted to the House, he was free to confess, that they had led him to form a conclusion very different from that which the gallant general had adopted. The gallant general had spoken

of the yeomanry carrying their swords to be sharpened; but he must say, that he was far from being convinced by any thing that had fallen from him, that their swords were improperly sharpened. He admitted that they were sharpened; but it struck him that it would have been a more extraordinary circumstance if they were not sharpened. Because, if he rightly understood the papers in his hand, it appeared, not merely from the statement of the magistrates, and from the evidence given before them, but from the declaration of the grand jury of Chester, that meetings were held at which persons attended armed with pikes and pistols—weapons no doubt proper for the purposes of reform [Hear, hear!]. Could it be supposed that an immense multitude would assemble, armed, for any good purpose? When men met together to petition for their rights, was it necessary that they should carry a pike and a pistol? Was it wonderful that the commander of a military force, when called on to attend such a meeting, should ask his men, "In what state are your arms?" and should direct them to come properly prepared? The gallant general had laid a great deal of stress on what was said at the inquest at Oldham. He must, however, tell the gallant general, that he was very much disposed to disbelieve many of the persons who gave evidence, even on their oath, because several of them were present at the meeting, and had partaken largely of that stream of sedition, impiety and blasphemy, which flowed through the country, and which taught men to treat our Saviour as an impostor. Would men who propagated or who cherished such doctrines be bound by the obligation of an oath? Assuredly not. Men who avowed a hatred to the magistrates, who were opposed to all order, who were desirous to pull down the constitution—such men had an interest in giving evidence of the description to which the gallant general had alluded. Without this explanation, it would be extraordinary if he refused to give credit to the evidence of many of those persons, on oath. In the last session an hon. gentleman (Mr. Bennet), whose philanthropy no man could doubt, brought a case of grievance before the House, which was very proper for inquiry. It was answered by his majesty's ministers; and in the course of the discussion the hon. gentleman said, Dr. Johnson had somewhere observed, "that cases might arise where even powerful circumstances would not carry the weight of conviction against the strong course of probability." In this instance, he conceived the strong course of probability was opposed to many of the statements that had been made. The yeomanry were said to have cut down women and children. He did not believe it. He would not believe that a yeoman or any other man—no, not even the infamous Carlile himself—could be guilty of such an act.

The petition was then brought up and read. It sat forth:

"That for several years past a great proportion of the labouring classes in the district where the petitioners reside have been suffering very severe privations, arising partly from the want of employment, and partly from the inadequacy of their wages to afford them a comfortable subsistence, evils which they have attributed in a principal degree to the great pressure of taxation consequent upon the inadequate representation of the Commons of Great Britain and Ireland in the House; that the same classes have therefore an earnest desire that a reform in the representation of the people may speedily take place; that the political bias of the labouring classes having, as it appears to the petitioners, been rendered more decisive by their personal sufferings, they have, to a great extent, publicly expressed their opinion, that annual parliaments and universal suffrage are necessary, in order sufficiently to guarantee the purity, the independence, and the integrity of the House of Commons; that into the consideration of this point the petitioners do not enter, but they state to the House, that within the last two or three years numerous public meetings, having in view the forwarding of this object, have been held in Manchester and the neighbouring towns, all of which, except where an interference by, or by order of, the magistracy has taken place, have been conducted from their commencement to their termination in an orderly and peaceable manner; that in the latter part of the month of July last, a meeting was announced, by public advertisement, to be held on the 9th day of August, 'to take 'into consideration the most speedy and 'effectual mode of obtaining radical re-'form in the Commons House of Parlia-'ment, and also, to consider the propriety 'of the unrepresented inhabitants of Man-

'chester electing a person to represent 'them in parliament, and the adopting 'Major Cartwright's bill;' which meeting having, in consequence of the purpose for which it was called together, been publicly declared by the magistrates acting in and for the division of Manchester to be illegal, was immediately given up by its projectors, and a new notice issued for a meeting to be held on the 16th of August, 'in order to consider of the pro-'priety of adopting the most legal and 'effectual means of obtaining a reform in 'the Commons House of Parliament;' that for several days before the 16th of August this notice was publicly and widely circulated; that as no intimation whatever was given, or, as the petitioners presumed, could legally be given by the magistrates, that the intended meeting was contrary to law, on the day appointed very numerous bodies of persons from most of the circumjacent towns and villages entered Manchester, walking with considerable regularity in parties of from three to six or eight abreast, accompanied by many women and children, and having along with them bands of music, and also various flags bearing different mottoes or inscriptions, and some of them surmounted with caps of liberty; that all these parties proceeded peaceably by different routes to the place of meeting, viz. the area near St. Peter's church, where, at about a quarter past one o'clock, the chair was taken by Mr. Hunt; that within ten or fifteen minutes after his arrival, and before he had entered upon the question for the consideration of which the meeting was called together, the corps of Manchester yeomanry, acting as the petitioners believe, under the order of the magistrates, or of some of them, rode impetuously into the immense crowd, many of whom were trampled upon by the horses, or cut by the sabres of the men, and surrounded the hustings, where eight or ten persons, including the chairman of the meeting, and several of those who were most active in calling it together, were, under a warrant issued immediately before by the magistrates, who were then assembled in an adjacent house, taken into the custody of the civil power; that the corps of Manchester yeomanry, together with the regiment of Cheshire yeomanry, and a body of the fifteenth hussars, both of which had by this time come upon the field, did then charge upon the people in all directions, and to a great distance from the place of meeting, in consequence of which eight persons have lost their lives, and not less than four or five hundred of his majesty's loyal, though suffering subjects, including all ages, from old men and women of seventy-five to young boys and girls of fourteen, were grievously crushed, trampled upon, bruised, maimed, or sabred; that had the only object of the magistrates been to take into custody the persons against whom legal process had been issued for any real or supposed offence by them committed, such object might easily have been obtained without the intervention of any military force, and without injury to any of his majesty's subjects; that the petitioners understand and believe, and indeed many of them are by personal observation enabled positively to assert, that no act whatever, giving to the meeting the character of a tumultuous and riotous assembly had at the period of this violent incursion of the cavalry been committed; that in the absence of any breach of the public peace, or of any act having a direct, manifest, and unquestionable tendency thereto, it does not appear to the petitioners that the large discretionary powers given to the magistrates by the statute of 1 Geo. 1, c. 5, commonly called the Riot act, can legally be called into action; that, admitting, however the right of the magistrates, in the exercise of their best discretion, to make proclamation commanding the meeting to disperse, the petitioners are induced to believe that at the meeting of the 16th of August no such proclamation was made; because they understand that at none of the inquests held on the bodies of persons who lost their lives upon the occasion was any proof of its being made given; and because neither themselves, nor any person with whom they have conversed upon the subject, ever heard it; that even if the rumour of the reading of the Riot act should turn out to be true, the petitioners have still no hesitation in asserting, that it was not read according to the spirit and intention of the statute, that means were not taken to give due publicity to the circumstance of its having been read, or to induce the people peaceably to depart without incurring its penalties; and further, that not one third of the time allowed by law for the dispersion of an assembly had elapsed between the opening of the business of the meeting and the period at

which it was forcibly dissolved by the cavalry; that the petitioners, in common with an immense majority of the country at large, and, as they fondly hope, of the House, are fully convinced that transactions evincing such a total disregard for the safety of an immense multitude of their fellow citizens, involving the infliction of so much severe personal injury, so much loss of life, and constituting such a complete infraction of the inalienable right of Englishmen to assemble, in order to petition for the redress of grievances, real or supposed, peremptorily and imperiously require the most rigid, extensive, and impartial investigation; that, accordingly, with a view thereto, and to obtain justice for the sufferers, at the last assizes for the county of Lancaster bills of indictment were presented against certain individuals, who were identified as having inflicted severe wounds upon the people in the course of the dispersion of the meeting; that, notwithstanding the positive testimony by which these indictments were supported, the grand jury did, for some reason unknown to the petitioners, and of which they can form no conception, think proper to return the said bills '*Ignoramus*;' that application was afterwards made to the magistrates acting in and for the division of Manchester, by or on behalf of persons who were wounded on the 16th of August, for warrants against certain individuals on charges of cutting and maiming, such application comprehending not only those persons against whom indictments had been presented at Lancaster, but others whose cases had not previously come before any court of justice, and that the said magistrates positively refused to hear the evidence upon which this application was founded, or to grant the warrants, notwithstanding they were informed that the cases which had been presented at Lancaster were supported by additional evidence, whilst the testimony as to the others was distinct, positive, and complete; that on the 7th day of September, one of the persons who had been wounded on the 16th of August, named John Lees, died at Oldham, and that in the course of the inquest held on the occasion, the reception of evidence necessary, as the petitioners conceive, to the full elucidation of the case, was repeatedly refused by the coroner, who did afterwards, in a manner totally unprecedented, and which was calculated, as the petitioners believe, and intended to obstruct the course of public justice, adjourn the proceedings of the said inquest (without assigning any reason for his conduct) to a distant period; that the petitioners regret the necessity which has obliged them to call the attention of the House to matters cognizable by the established courts of law, but that all the avenues of public justice having been hitherto found so unaccountably closed, they can only look to the House for a full investigation of the affair; that the petitioners feel it necessary to remind the House, that on the 9th of February 1818, a petition from certain of the inhabitants of Manchester was presented to the then House of Commons, setting forth various arbitrary, illegal, and unconstitutional acts, which the petitioners pledged themselves (if so permitted) to prove by evidence at the bar, to have been exercised by the magistrates of that district in the early part of the preceding year; that the House of Commons not only refused to inquire into the truth of the allegations of the said petition, but in conjunction with the other branches of the legislature passed a bill, giving impunity, and even full indemnity to the persons by whom the illegal acts were stated to have been committed, although not one single statement contained in the said petition was ever disproved or shaken; that the impunity and protection then granted to acts contrary to the law of the land, and subversive of individual liberty, have, as the petitioners apprehend naturally emboldened the magistrates, or at least those amongst them by whom the proceedings of the 16th of August were conceived, advised, and directed, to commit that more flagrant violation of the rights and liberties of Englishmen, and that more alarming outrage on the lives of his majesty's subjects, of which the petitioners have now felt it their duty to complain; that the petitioners, appealing to their uniform respect and obedience to the constitutional laws under which they live, in proof of their own constant loyalty, are anxious that the dignified supremacy of the law should be fully and effectually maintained; that its protective powers should be extended equally to the poor as to the rich; and that any breach of it, by whomsoever, or under whatever pretence committed, should be duly yet temperately punished; that the petitioners deeply lament the fact too notorious to

admit of denial, that the labouring part of their fellow townsmen and neighbours have upon many recent occasions been treated by the magistrates of that district in a manner utterly unwarrantable and illegal; that, in proof of this statement, the petitioners would inform the House, that on or about the 16th of August last many persons were taken into custody on charges of a political complexion, and that for a period of nearly eleven weeks those persons were detained in prison, whilst they were ultimately discharged from custody on the 30th of October last, not only without trial, but without any bills of indictment, or even articles of the peace having ever been presented against them; that as the poverty of these unfortunate victims of capricious tyranny, prevents them from seeking legal redress, the petitioners conceive that unless the House interfere to procure them justice the protection of the law will be virtually withdrawn from them, whilst, to assert the practical equality of the enactments of law, its administration here remaining unchanged, will only be adding the cruelty of insult to the injustice of oppression; having therefore a deep sense of the importance of the circumstances which they have herein stated, knowing their momentous consequence with reference to the future liberties of Englishmen, anxious for the speedy rendering of strict and impartial justice, and that the magistrates and soldiery, if guilty, may be punished, if innocent absolved from blame, the petitioners do most earnestly request and intreat, that the House will be pleased to institute a prompt, public, impartial, and full inquiry into the transactions of the 16th of August, and those which have resulted therefrom."

On the motion, that it be laid on the table,

Mr. *Bootle Wilbraham* said, he was desirous of expressing his firm conviction, that the statements made by the hon. gentleman and the gallant general were not at all likely to be proved. He was convinced that the statement he had made on a former evening was the just one. The speech of the hon. gentleman was calculated to make an impression on the House which the petition itself did not warrant. He here begged to make an observation respecting the sharpening of the swords. About the middle of July an order was given for sharpening them, and the swords which were sharpened in the end of July and the beginning of August belonged to those members of the corps who had forgotten to send in their weapons originally, for no order was given subsequent to the first.

Mr. *Bennet*, in moving, that the petition be printed, said, the hon. gentleman who had recently spoken was rather too harsh in his censure on all the persons who had been examined before the coroner. Of the facts, he (Mr. B.) certainly had no personal knowledge; but he would pause much before he condemned all the persons who attended at the meeting of the 16th of August, as being tainted with the doctrines of Paine, and converted to the principles of infidelity and blasphemy. He, for one, thought those sweeping censures did a great deal of harm. They tended to widen the unfortunate breach which existed between parliament and the people. Whatever the opinions of gentlemen might be with respect to individual guilt, they ought not to cast a general slander on large bodies of men, about whom they knew nothing. He would tell the hon. gentleman who had uttered this censure, that there were amongst those who gave evidence, persons of sober, calm, and religious habits. One of them had come up to town on a journey of philanthropy, to propose to the House those measures for the protection of children in factories, which were carried last year. He knew that individual, and his object was, to protect not only him, but all those persons who had given evidence, from the charge that had been made against them; because it was most unfair to make those general accusations in the absence of all proof.

Mr. *Mansfield* said, he had not meant to make so sweeping an assertion as was attributed to him. He felt, however, that he had a right to make a strong assertion, because one of those persons who gave evidence against the magistrates, admitted that he had himself marched a large party from Leeds to that meeting.

The petition was then ordered to be printed.

PETITION OF MR. HUNT COMPLAINING OF MISREPRESENTATION OF HIS CONDUCT.] Mr. Alderman *Wood* said, he had been requested to present a petition which he had previously read, and which contained nothing disrespectful towards the House. It complained of

the Manchester magistrates—of the juries—of the officers—and more pointedly and strongly of his majesty's ministers. Attached to the petition there had originally been five affidavits respecting the intention of the petitioner to institute proceedings in the court of King's-bench, which he had been prevented from doing on the ground of his not being a professional man; but as the forms of the House did not allow such documents to be presented, he had removed them. After what he had said, the House would not be surprised when he told them that the petitioner's name was Henry Hunt. He stated generally the nature of the transactions at Manchester, declared that the papers laid on the table of the House were entirely false, and prayed that he might be called to the bar to prove his allegations, which he confidently pledged himself to do, not by his own testimony alone, but by the testimony of numerous respectable characters, totally unconnected with the reformers.

The petition was then brought up, and read. It purported to be the petition of Henry Hunt, esq. of Middleton Cottage, Hants: and sat forth,

"That the petitioner having been invited to preside as chairman at a public meeting proposed to be held at Manchester on the 16th day of August last, for the purpose as expressed by the requisitionists, and by the advertisements and placards published for calling the same, of taking into consideration 'the most legal and effectual means of obtaining a reform of the Commons House of parliament;' and the petitioner approving of such intention, and considering the objects to be perfectly legal and constitutional, as well as necessary, without any hesitation accepted, and attended the same as an act of public duty towards his distressed and suffering fellow countrymen; that on the petitioner's arrival in Lancashire on finding that considerable irritation had been excited among the people by an interference of the magistrates to prevent a previous meeting which had been announced, the petitioner with a view to tranquillize the public mind, secure the public peace, and exhibit the true objects of the meeting beyond the possibility of successful misrepresentation wrote, and caused to be printed and circulated, an address to the inhabitants of Manchester and its neighbourhood, of which the following are the principal paragraphs: 'You will meet on Monday next, my friends, and by your steady, firm, and temperate deportment you will convince all your enemies you feel that you have an important and an imperious public duty to perform, and that you will not suffer any private consideration on earth to deter you from exerting every nerve to carry your praise-worthy and patriotic intentions into effect; the eyes of all England, nay, of all Europe, are fixed upon you, and every friend of real reform, and of rational liberty, is tremblingly alive to the result of your meeting on Monday next; our enemies will seek every opportunity, by the means of their sanguinary agents, to excite a riot, that they may have a pretence for spilling our blood, reckless of the lawful and certain retaliation that would ultimately fall on their heads; every friend of real and effectual reform is offering up to Heaven a devout prayer, that you may follow the example of your brethren of the metropolis, and by your steady, patient, persevering, and peaceable conduct on that day, frustrate their hellish and bloody purpose; come then, my friends, to the meeting on Monday, armed with no other weapon but that of a self-approving conscience; determined not to suffer yourselves to be irritated, or excited by any means whatsoever to commit any breach of the public peace; our opponents have not attempted to show that our reasoning is fallacious, or that our conclusions are incorrect, by any argument but the threat of violence, and to put us down by the force of the sword, the bayonet and the cannon; they assert that your leaders do nothing but mislead and deceive you, although they well know that the eternal principles of truth and justice are too deeply engraven on your hearts; and that you are at length become (unfortunately for them) too well acquainted with your own rights, ever again to suffer any man, or any faction to mislead you; we hereby invite the boroughreeve, or any of the nine wise magistrates who signed the proclamation declaring the meeting to have been held on Monday last illegal, and threatening at the same time all those who abstained from going to the said meeting; we invite them to come amongst us on Monday next; if we are wrong, it is their duty, as men, as magistrates, and as christians, to endeavour to set us right by argument, by reason, and by the mild

and irresistible precepts of persuasive truth; we promise them an attentive hearing, and to abide by the result of conviction alone; but once for all we repeat, that we despise their threats, and abhor and detest those who would direct or control the mind of man by violence or force: I am, my fellow countrymen, your sincere and faithful friend, Henry Hunt:' that several affidavits were on the second day of the present term tendered by the petitioner to the judges of the court of King's-bench at Westminster, for the purpose of obtaining a criminal information against the bench of magistrates of Manchester, for the criminal acts and wrongs therein described; which affidavits were not however permitted to be read, on the novel ground that no one could be allowed to move in a proceeding which merely tended to establish a criminal prosecution except through his majesty's attorney or solicitor general, or other counsel; although this new rule of court is obviously contrary to the principle, which permits every man in person to accuse before a grand jury, and is in direct violation of Magna Charta and the Bill of Rights: the petitioner therefore immediately applied to the public law officer of the crown, the attorney general, and offered to lay his whole case, and the affidavits before him, that he might move the court on behalf of the public, which the attorney general refused; the petitioner is therefore compelled to submit his case to the consideration of the House, as the only means which the constitution now appears to present, and which at the same time is commensurate with the power and influence of the offenders, particularly after they had received the countenance of his majesty's ministers by the official thanks of his royal highness the Prince Regent; the petitioner respectfully submits to the consideration of the House, that as the persons guilty of the outrages described in those affidavits, consisted of ten magistrates acting in the vicinity, having extensive local and family connexions, and as the officers and privates of the yeomanry cavalry who perpetrated the cruelties therein described were in like manner intimately connected with all or most of the persons exercising juridical and magisterial authority in the county of Lancaster, and were supported by a numerous train of dependents, unprincipled and desperate characters connected with the police, as it is notorious it must always be the case in police establishments; the petitioner and ten other persons, whose political rights had been violated, and whose persons had been outraged, had, and can have no chance of obtaining redress or justice in the said district under such influence; and therefore the petitioner and his fellow-sufferers not only found themselves insolently baffled in every attempt which they made to obtain legal redress, but the said criminal parties, for the purpose of giving colour to their errors or crimes, conspired to invent, fabricate, and sustain criminal charges against the petitioner and his friends, and had the hardihood to commit them to solitary dungeons in the local prison, on charges of high treason; which impotent and malignant charges they afterwards abandoned, but for the pretence aforesaid, still persisted in charging the outraged, injured, and insulted petitioner and his friends with a misdemeanor and conspiracy, demanding excessive bail of them, and in a vexatious and wanton manner sending the petitioner and others upwards of fifty miles through the country to Lancaster castle, under the parade of military escort, and accompanied by every circumstance calculated to wound the feelings of the petitioner and his friends and fellow sufferers: and as it happened that the assizes were held about ten days afterwards the said criminal parties hoping to take advantage of the excessive irritation which all the circumstances above described had created in the county, and of the influence which they necessarily possessed over the prejudices of many of the grand jurors, who consisted wholly of persons in the magistracy of the said county, and who therefore were unavoidably actuated by the very same party violence which had misled their brother magistrates of Manchester in committing those crimes which it was now become necessary, under colour of law, to screen from inquiry and punishment; that is to say, the said magistrates and yeomanry of Manchester, through the agency of their friends, connexions, and relatives, who composed the grand jury aforesaid, and aided by the solicitor of his majesty's treasury, proceeded to act the unworthy farce of presenting indictments against the petitioner and his friends for a pretended conspiracy, for acts committed by them in the open face of day, in presence of the whole world, and in which they were supported by the immemorial rights,

customs, and usages of the English people, and by the laws and constitution of the realm as exercised by their ancestors, and secured by acts of parliament, by the common law of the land, and by the coronation oath of the sovereign; the petitioner who profoundly respects all the legitimate arrangements of the jury system, is nevertheless persuaded, that his suspicions, in regard to the purity of the proceedings at Lancaster, will not be considered either as light or frivolous; and he ventures to suggest that so palpable was the connexion of the magistrates and yeomanry with the grand jury at Lancaster, that nothing but the consciousness of the necessity of shielding themselves under the colour of a form of law, could have stimulated them to adopt the gross measure of appealing for their justification to a grand jury of such men so situated; but although the petitioner formally protested against some of the jurors, who he had been able to discover were relations, and notoriously connected with the parties against whom he had better reason to complain, and who were implicated in the atrocities committed on the 16th of August at Manchester, and against whom bills of indictment for capital felonies the petitioner was prepared to present: yet these objections of the petitioner were overruled by the judge before whom the said parties were about to be sworn as grand jurors; and the said grand jury, composed as aforesaid, proceeded to entertain the said charges against the petitioner and his friends, and actually laid aside certain indictments which the petitioner and his friends had previously preferred against three persons who had committed palpable perjury before the magistrates at Manchester, and who, as afterwards appeared, were witnesses on the indictment against the petitioner and his friends; and to this, and the following circumstances, the petitioner most earnestly invites the attention of the House; viz. that the said grand jury had found a true bill for perjury against one Owen, and they had before them other indictments against two wretches of the names of Platt and Derbyshire, who had falsely sworn to the very same facts as the said Owen, and against whom the very same evidence was ready to be adduced; but as soon as the indictments against the petitioner and his friends for the said pretended conspiracy were carried before the said grand jury, composed as aforesaid, and the names of the said Platt and Derbyshire appeared as witnesses on the back of the said indictment, the said grand jury refused to proceed further in the investigation of the three indictments before them, one of which they had found, but proceeded to investigate the indictments against the petitioner and his friends, actually receiving the evidence of the said Platt and Derbyshire in support of the same, and then, after finding on such evidence, and that of three or four other similar dependents of the police true bills against the petitioner and his friends for a conspiracy as aforesaid, the said grand jury *ignored* the indictment against the witnesses Platt and Derbyshire, although they had found a true bill for the very same fact, on the very same evidence, against Owen; that these facts, of which the petitioner has made affidavit in the humble judgment of the petitioner, prove beyond the possibility of doubt or equivocation, that although there were honourable men on the said grand jury, yet that the number of twelve required by law to determine a bill were influenced in their judgments by passions and feelings of which men are too frequently the patients and therefore it cannot be a matter of surprise, that a true bill was found against the petitioner and his friends, for acts which, it is palpable, were as notorious as the sun at noon day, and which, till it suited their purpose, had always been considered as meritorious duties of Britons and freemen, while the bills for unparalleled and cruel outrages were ignored; nevertheless, as the petitioner respectfully submits to the House, it must be obvious, that against so powerful a conspiracy of local authorities countenanced as they have been by his majesty's ministers, and aided by the law officers of the crown, who are supported by the public treasury of the United Kingdom, the petitioner has no rational ground of hope for justice and redress but in the power and authority of the House; that besides the application above described, to the court of King's-bench, and to the attorney general, the petitioner brought witnesses from Lancashire at a heavy cost, for the purpose of presenting indictments before that grand inquest, which, as appertaining to the court of King's-bench, may be supposed to have co-extensive jurisdiction with its court, which jurisdiction it unquestionably had before the judges were made itinerant, and which has been

taken from it by no statute; yet on this occasion, the said grand inquest of all England, by which name it was heretofore known, was designated by the judge as the grand jury for Middlesex, and described as local in its jurisdiction, and incompetent to receive the indictments preferred by the petitioner; that as the petitioner verily believes the said criminal parties, for the purpose of securing their own impunity, have made false representations to his majesty's government by which they obtained the thanks of the Prince Regent, while the ministers of his Royal Highness, with a view to support their own hasty proceedings in so thanking the said criminal parties, have submitted their false statements to the House as authentic documents worthy of the respect and credence of the House, but the petitioner hereby declares, that within his knowledge, the greater part of the said statements, as relating to the proceedings at Manchester, are utterly false; and he therefore earnestly prays, that he may be called to the bar of the House, and there permitted to prove all and every the allegations contained in this his humble petition, which he is anxious to do, not only by his own testimony but which he respectfully pledges himself (if permitted, to confirm beyond the possibility of doubt, by the testimony of numerous respectable persons of family, fortune, and character, totally unconnected with the reformers in any way whatever."

On the question, that the petition be printed, there was a loud cry of "No, no!" and there appeared a momentary disposition to divide, but it was abandoned and the petition was ordered to be printed.

Committee of Supply.] On the motion of the Chancellor of the Exchequer, the House resolved itself into a committee to consider of a motion for granting a Supply to his Majesty. The Chancellor of the Exchequer moved a resolution, "that a Supply be granted to his Majesty."

Mr. *Grenfell* observed, that he had seen in the public papers that there had been a deficiency in the revenue in the last quarter to the amount of eight millions. The amount was so great that he confessed it staggered him. It, however, required some explanation, and he requested his right hon. friend would have the goodness to give it.

The *Chancellor of the Exchequer* said, that the alleged deficiency was not an actual deficiency, unless the sum issued to make good the deficiencies of former periods could be so called. There was an actual surplus. Since the incorporation of the treasuries of Great Britain and Ireland two millions and a half had been borrowed in the Spring from the consolidated fund for the service of Ireland. To this was added six millions for the purpose of making good the deficiencies he had already described. Instead of any deficiency having taken place in the quarter ending the 10th of October last, there was an increase. It was true, however, that the surplus in that of every year was generally considerable; and, comparatively considered, the surplus of the quarter ending on the 10th of last October, was not so great as that of the corresponding quarter of the preceding year, it being only 300,000*l.* The total amount of the deficiency of that quarter, as compared with the corresponding quarter of the year immediately preceding, was 1,100,000*l.*, although it exceeded the amount of the corresponding quarter of the year 1817. Of that 1,100,000*l.* of comparative deficiency, 920,000*l.* was under the head of Customs, which was chiefly attributable to the stagnation of trade, of which so much had been said in the discussions last session in the Bank committee, and in some degree proceeding from the consolidation of the customs in the last session, which occasioned a larger sum to be paid in preceding quarters by those who were desirous to avoid the increase of duty caused by that consolidation. The comparative deficiency in the excise was nearly 200,000*l.* He was happy, however, to say, that in the period which had elapsed between the 10th of October, and the meeting of parliament, a very considerable improvement in the revenue had manifested itself.

The resolution was then agreed to.

Seditious Meetings Prevention Bill.] On the motion of lord Castlereagh, the clerk read the following passages from the Speech of his royal highness the Prince Regent, on the opening of the session:—

"I regret to have been under the necessity of calling you together at this period of the year; but the seditious practices so long prevalent in some of the manufacturing districts of the country, have been continued with increased acti-

vity since you were last assembled in parliament.

"They have led to proceedings incompatible with the public tranquillity, and with the peaceful habits of the industrious classes of the community; and a spirit is now fully manifested, utterly hostile to the constitution of this kingdom, and aiming not only at the change of these political institutions, which have hitherto constituted the pride and security of this country, but at the subversion of the rights of property, and of all order in society.

"I have given directions that the necessary information on this subject shall be laid before you, and I feel it to be my indispensable duty to press on your immediate attention the consideration of such measures as may be requisite for the counteraction and suppression of a system, which, if not effectually checked, must bring confusion and ruin on the nation."

Lord *Castlereagh* said, that in rising pursuant to his notice to call the attention of the House to the state of the country, as described in the passages which had just been read from his royal highness the Prince Regent's most gracious Speech, he confessed that he never felt a more awful impression of the painfulness and difficulty of any task that he had undertaken to execute. It was painful, for what could give greater pain to a minister of the crown than to be required by an imperative sense of duty to propose to parliament the adoption of measures of a restrictive and coercive nature? It was difficult — for while the House, the country, and every loyal British subject were entitled in the present serious crisis—a crisis, indeed, of imminent danger, unless parliament met the evil with manly firmness and vigour—to look to his majesty's ministers for the means of affording adequate security for life and property, and for the safety of the constitution, they were entitled to claim from his majesty's government that they should make any propositions which they might determine on bringing forward, as much as possible, in the spirit of the constitution under which we happily lived; and to expect, that while they recommended the measures which to them appeared calculated to meet the public exigency, they should not forget the sacred principles of right and liberty, which had made Great Britain a source of admiration and envy to all surrounding nations. He could assure the House, that his majesty's government were most anxious to secure this double object; and while they directed their efforts against the abuses by which the public tranquillity was menaced, to protect as much as possible the best and dearest interests of the people. Having endeavoured to reconcile these conflicting principles, his majesty's ministers looked with confidence for the support in that House of a large portion of those who differed from them on questions of general policy, as they were most earnest in wishing to preserve the freedom of the subject, while they purged the land of the evils that the abuse of that freedom had generated.

As the House naturally looked to him for an intelligible detail of the circumstances which made the measures he intended to propose necessary, as well as of the nature of those measures, he felt he must occupy their attention for a considerable portion of time. He should now, without any further preface, even though some of the measures were to originate in the other house, offer all of them to their consideration, in order that no member might give an opinion upon them without seeing the full scope of each individual proposition, both as an isolated proposition, and as a proposition connected with others, and without being able to judge whether they would so fit in with each other as to make a perfect and consistent whole. He should, of course, support each and all of these measures, and the general principles upon which they were founded; but, in order to save the time of the House, he should not enter into any minute reasonings upon them at present, but state them broadly though distinctly. In order the more fully to direct the attention of the House to this point, he hoped he might for the present be allowed to assume as fact, the existence of the evils which the measures in question went to correct, not depriving the House of the right of discussing this part of the subject at any future stage of their proceedings. He would then assume for the present on the authority of the Speech from the throne, that great danger existed in the country; that there had been disclosed in the country a spirit which was incompatible with the constitution of the kingdom—that it threatened the destruction of all those rights which were most valuable—and that it aimed not only at the change of all those poli-

tical institutions which had hitherto constituted the pride and security of the country, but also at the subversion of property, and of course of all those rights on which society depended, which, if not speedily checked, was calculated to overthrow the principles upon which the property and happiness of society rested. These facts he had a right to consider as fortified by the speech of the right hon. member who moved the amendment to the address, as well as by the statements of several of the hon. members who supported it. That right hon. member had admitted, that there had gone abroad a wild and impracticable spirit of reform, which menaced not only the happiness of society generally, but more particularly the interests of the poor deluded persons who possessed it, and with several of his friends, had pledged himself to uphold the constitution against such doctrines to the utmost of his power. He was also confirmed in the statement which he had just made, by the opinions which had been formed by a set of gentlemen best calculated to judge of the situation of the country—he meant the magistracy and the grand juries of Cheshire and Lancashire, and of several other counties. If he wanted any farther authority on the subject, he had it in the statement of the noble lord who represented the county of Lancashire, a county containing a million of inhabitants, and possessing a large portion of the wealth and commerce of the country. In that county, according to that noble lord's statement, there existed a spirit of disaffection bordering on rebellion. The hon. member for Taunton also had mentioned the order of things in some of the manufacturing districts to be such as that either the House must put them down without delay, or else they would overpower the constitution, and further, that there were no interests more at stake than those of the poor deluded people by whom such opinions were entertained. From these statements he felt he had a right to assume the existence of that danger which induced his majesty's government to bring forward such measures as they in their consciences believed to be imperatively called for, and most effectual in rescuing the country from its perilous situation. In the statement he was about to make, he should be sorry to make any impression on the country that could be considered as imputing disaffection to the great mass of the people. He had an individual pride (individual, he meant, as he was connected by birth and education with that part of the empire), in stating, that as far as Ireland was concerned, she had never experienced a greater degree of tranquillity, and he might add prosperity, than at this moment. There were, perhaps, one or two exceptions, but they were of a very trifling nature. Long might she continue in that state! Long might she continue to feel the value and importance of that constitutional position in which she had at last had the good sense to place herself, and which he doubted not would prove the source of numerous benefits to her, while it entitled her to the entire confidence of the sister country. In Great Britain, also, he was happy to state that the great body of the agricultural interests never enjoyed a greater state of repose than at this moment; and he hoped he might add, that it was fast recovering from that depression into which it had unhappily fallen. When he said this, he was not insensible to the difficulties with which the landed interest had still to contend; but comparing its present situation with that in which, at no distant period, it had been, he thought he was warranted in expressing himself in the language which he had used. Considering nothing so important as that the subject should be stripped of all exaggeration, he was bound to state, that even in the manufacturing districts, he believed the loyal were sufficiently strong to put down, by themselves, the disaffected; but this could not be accomplished without risk of great devastation, ruin, and misery. It was not for the state therefore that he trembled, but it was for the inhabitants of certain districts, who had claims on the government for protection, and for the deluded reformers themselves; and on those grounds he called on parliament to support the law and to guard against the evils of a threatened rebellion. Into the causes of the discontent and dissatisfaction which prevailed, he did not feel inclined to enter at present; on a future occasion he should not shrink from discussing them; but all that he should now say was, that as far as his inquiries went (and they had not been scanty), he could not discover that the market for our industry had been narrowed either at home or abroad. At home it had certainly increased, and abroad there was no defalcation but in one instance, which was well

calculated to teach the deluded men who were ever complaining of the system of government established in this country, a salutary lesson. The American market was the only one that had failed us. It was there—in a country which was represented as a perfect paradise—in a country governed under a system which many in England believed it was only necessary to adopt here to relieve us from all our burdens; it was in America that the greatest distress was found to exist, and there our commerce had experienced failures which were unknown in Europe. There had certainly been a depression felt in various branches of our trade from the termination of the war, but these were no more than were to be expected in the common course of things, and to these time alone could bring an effectual remedy. He was confident that no sober-minded rational man could for a moment believe that they were to be removed by any parliamentary interference.

He would now proceed to the most important object of the night, to the remedies which his majesty's ministers proposed to apply to the evils complained of. In enumerating them, he would name them in the order in which the state of the country seemed to call for them. They divided themselves into five heads. He would begin with that which was most pressing in point of time, and name that last which was most important with a view to tranquillising the country. The first subject was the tumultuous meetings which had become common, which were marked with a character wholly different from that of peaceful deliberation, which had never been known in this country till of late years, which were quite an innovation upon all its habits, customs, and prejudices, which were borrowed from the worst days of France, and which conduced most essentially to the progress of the revolution in that country. The second subject was that part of the system of the disaffected, which, if not checked, would lead to results the most extensively mischievous;—he meant the training of large bodies of men for military, he might add, for rebellious purposes, without the authority of the Crown. The third was more of a local character, and went to give magistrates the extraordinary powers confided to them by an act passed in the year 1812, and enable them to search for and seize arms, where they had a right to believe they were secreted for improper purposes. The fourth measure would go to ensure the more speedy administration of justice in certain cases, and particularly to expedite the trials of those charged with misdemeanors. The fifth went to affect that great and most important engine, the press, but only that part of it, which, in contradiction to the general press of the country, he might be allowed to call the treasonable, blasphemous, and seditious branch of the press. With regard to the first of these measures, he must desire the House to consider the abstract right on which the right of meeting to petition was founded. No man could value more highly than he did the right which the people unquestionably enjoyed to meet to consider on the grievances which they felt, either individually or collectively, and to carry to the foot of the throne or of parliament their petitions for redress of them. From the mode, however, in which this right had recently been laid down, and from the doctrines which had been founded upon it, it appeared to him, that unless common sense was applied to the law which had recently been promulgated on this subject (and law and common sense did not travel so far asunder as some people thought), the abuse of that right must inevitably lead to sanguinary rebellion in the first case; and that which was its never-failing concomitant, military despotism, in the second. He lamented most strongly, and he thought that several of those who had signed the requisitions for county meetings also lamented, that they had stated in such broad terms the right of the people to assemble. He had, however, never seen among the many resolutions which had been adopted any document officially signed, which carried this right to a higher point than the famous one signed by Thistlewood, who, no doubt, had good legal radical assistance. In that document it was stated, that he (Thistlewood) knew of no law that could prevent 1,000, 10,000, 100,000, or 1,000,000 of persons from assembling; and no magistrate, it went on to say, could touch them till they struck some blow; and that it made no difference whether they met with or without arms, with or without flags, or with or without all that novel paraphernalia which had lately rendered those meetings so conspicuous. Now, he would ask, if this ought, in common law, or in common sense, to be allowed. He would ask, whether it was consistent with common

law or with common sense, to assert that the people (and, for the sake of the argument, he was at liberty to assume the whole of the people), might meet at one place, and to say that the magistrates were to stand quiet after the meeting was assembled, until some positive damage was done? If such a principle existed, it proved that the law was, on the face of it, an absurdity, totally ineffectual for the purpose of preserving the lives or liberties of the people. If this were the case, the House must allow him to say, we were living in a country whose government was degraded and debased. If this were the case, then the magistrates must on all occasions have recourse to the aid of the military, of the exercise of whose power the country was so naturally jealous. Was it to be tolerated, that in a country whose constitution was so justly the envy and admiration of other nations, the whole of its industry was to be convulsed—the quiet part of the population were to be alarmed,—not with childish fears, but with just terror—that they were to be driven from their business—obliged to close their shops—that the public mind was to be kept in a state of continual ferment and agitation, by a set of itinerant orators, who marched large bodies of men 25 miles through the country, in military array? The minds of the lower orders in this country, were inflamed by artful tales about sinecures and pensions, and they were told that if these were done away, all their grievances would be at an end. He would take upon himself to say, that if the sinecures which had not yet been abolished, were done away—if the whole pension list were surrendered to their wishes, that the benefit derived would not in ten years give the Manchester cotton-spinner, who could earn 30*s.* a week, the 5*s.* which he wasted in one day of idleness to attend a reform meeting. This he could prove to demonstration, and with equal ease could he show, that if the reformers could succeed in their dishonest and destructive scheme of annihilating the national debt, that the withdrawing of the interest of 29,000,000*l.* of money from general circulation, though it might relieve some who now contributed largely to the taxes, would depress the markets of the country, augment the general distress, and carry ruin to the humble cottage as well as to the mansion of the great. The gentlemen who advocated the doctrine of Thistlewood, ought to recollect that the law provided against a *bellum levatum*, as well as a *bellum percussum;* that meetings even without arms were not allowed to assemble to the terror of his majesty's subjects; and that the magistracy were bound by their oaths to protect the lives and properties of the people, under such circumstances, as far as lay in their power. This fallacious doctrine, however, he was glad to say, was refuted by the late debates in that House, and if no other result had followed from the assembling of parliament, the late discussion was calculated to produce the most beneficial effects in the country. The house and the country were deeply indebted to a right hon. and learned gentleman opposite, for the able and eloquent manner in which he had stated that point on a former evening. Independently of his high legal authority (and higher there was none), there was something so clear and sound in the opinion he gave on the illegality of such meetings, that he must have removed all doubt on the subject. That right hon. and learned gentleman had well said, that although the rights of a British subject allowed him to do every thing which the law did not forbid, he was not permitted to contravene or to trench upon the rights of another. He did not wish to say any thing complimentary of the stream of eloquence which came from his own side of the House; but was there no inference to be drawn from the silence which had prevailed on this subject among the learned and hon. gentlemen opposite? There were occasions when silence was as eloquent, if not more eloquent, than words; and he conceived the present to be one of that nature. He certainly did suppose, that a gentleman of high legal talents on the other side (Mr. Scarlett), notwithstanding his explanations, had pronounced as decided an opinion as was possible, upon the illegality of that meeting, and that he had followed up his argument by making a complaint against his majesty's ministers for suffering several meetings like it (and he had instanced that of Smithfield) to take place subsequently. Another hon. and learned gentleman, who followed in the debate, seemed rather disturbed by the explicitness of this opinion, and therefore introduced into the discussion the swords of the cavalry, which he asserted to have been sharpened for the occasion. That, however, was now exploded. The noble lord opposite had

clearly proved, that those swords were sent to be sharpened several days before any intimation was given that a meeting was to be held. Another hon. and learned gentleman, who bore a high, and, he believed, a well-earned reputation in his profession, whom they were to hear to-morrow, had promised to prove the lawfulness of the meeting. With regard to his speech in expectancy, he (lord Castlereagh) had a right to take it on his side of the question; for if that hon. and learned gentleman had felt any difficulty on the subject, the recent decision of the House must, he should conceive, have removed it. This, however, he would maintain, that if any man could still doubt, whether or not meetings such as he had described were legal or illegal, it was high time for parliament to take care that this embarrassment should be felt no more, regarding what was and what was not the law upon the subject.

He would now call the attention of the House to the measures necessary to meet the evil. In framing the proposed remedies, the first object was, to suit the characteristics of the meetings against which they were to be directed. His first enactment would therefore be, the limitation of numbers. The second was intended to prevent persons residing in distant districts from attending meetings in districts where they did not reside. The third was, to prevent the existence of simultaneous meetings, for the House would recollect, that they had it in evidence, in the letter of general Byng, that this plan, though defeated by a schism among the leaders, had been seriously entertained, in order to divide the military power, and thus give the reformers a better opportunity of making a trial of their physical force. These were the three grand points on which he would stand, and for which he would now use a few short, but, as he thought, decisive arguments. Nobody would say, that any bill could effectually meet the evil which did not limit the numbers; and nobody would assert, that by limiting the numbers, they were trenching upon any substantial right of the people: for if deliberation were the object of their meetings, the great numbers in which they had recently assembled were not calculated to aid it. He had no wish to prevent them from assembling, when deliberation was really the object which they had in view; he had no wish to put an end to those meetings which were the peculiar boast of England, and which, till modern times, had been productive of so much benefit and advantage. In latter times, however, these meetings had been of a different kind, and seemed, from the manner in which they were called, and in which they were conducted, to have been borrowed from another country. They had been held under the sanction of the laws to consider of the means best calculated to overturn, by physical force, the very laws under which they met. Far was it from him to call on the House to do any thing that would operate against the ancient and sacred right of the people to petition, under the protection and with the sanction of the magistrates, or the other constituted authorities of the land. He would, on the contrary, give increased facilities to this mode of petitioning. But meetings not called under such authorities, convened by men without character, rank, or fortune, were, in all probability called for improper objects, and therefore were a fit subject for the animadversion of the law, and it was but reasonable that they should assemble under circumstances that gave a sort of *prima facie* security against outrage; for the House might rely on it, that unless we could reconcile the exercise of our liberties with the preservation of the public peace, our liberties would inevitably perish, and society come to a speedy dissolution. With respect to the local and numerical modes of regulating the constitution of meetings, it was obvious, that when they came to the extent, in point of numbers, to which meetings ought to be allowed to go, it was impossible to fix any precise limit. An hon. gentleman on the other side had said, that meetings ought to be of such a description, as that the civil power would be sufficient to preserve peace, in order to prevent the indignity of calling in the military power. He could assure the hon. gentleman, however, that meetings could not be reduced to such an extent without chilling all deliberation. Besides, nothing could be more calculated to embarrass magistrates than such a limitation of meetings. Therefore he would propose what would effect the object, without encountering those difficulties or objections. From his proposition he would except county meetings, regularly convened, meetings called by corporate bodies, by grand juries, or by five magistrates. With these exceptions every meeting must be preceded by a notice, for a certain number of days to the magistrates of the intention to call such a meet-

ing, and must be within the parish of the persons assembling; the natural place for deliberation where they could meet with safety, and without loss of time. In reference to the impropriety and danger of allowing immense multitudes to assemble in the manner which had been recently witnessed, he would read the sentiments of a noble lord, who always looked with the greatest jealousy on every thing that might affect the liberty of the subject, and who could not be suspected of a disposition to curtail any popular right. Lord Erskine, in a publication lately given by him to the world (the Defence of the Whigs), applied the following observations to the public grievance of tumultuary meetings: —" —— but holding sacred, as I do, the never-to-be-surrendered right of British subjects to assemble peaceably, to express to each other and to the government of the country their grievances and complaints, yet I feel no difficulty in saying, that nothing can be more obviously useless and mischievous than the assembling of immense multitudes, not in their own communities or neighbourhoods, but by moving upon other thronged and agitated districts. Such meetings, however legal they may be, cannot but be dangerous to the industrious poor, collected at a distance from their own homes, only to disturb the industry of others, aggravating the sufferings of poverty by the interruption of employment, by the hazard of fatal accidents, and the probable temptation to crime." He did not think it necessary to labour this part of the subject farther. In confining meetings to their respective parishes, it was proposed to make it a misdemeanor for any person, not resident in the parish, to attend a meeting in it. Two objects would be effected by this regulation. But before mentioning them he would remark, that some parishes consisted of more than one large township, under distinct overseers, and were so populous, as to require farther limitations as to public meetings. There were in the country about 30 parishes that were extraordinary populous, that was, they contained a population beyond 20,000 souls. No parish whose numbers were under that population was restricted from a meeting of the whole parish. But with respect to the parishes whose population exceeded that number, a power would be given to quarter sessions, who would not be apt to abuse such a power, to divide them into districts, of which each should contain a population not exceeding 10,000. By this arrangement, it was manifest that there was no intention on the part of ministers to reduce meetings in such a manner as to destroy their popular character. They would, on the contrary, become better fitted for the purposes of discussion, at the same time that they would cease to be attended with danger. One hundred thousand persons would no longer assemble, and those individuals who reduced grievance-making into a trade, would no longer have it in their power to travel about the land and poison the minds of men who had not been aware but that they lived under the mildest government, and had not known that their greatest enemy was the House of Commons. The second object was, to prevent the distraction of the attention of magistrates by vast numbers of simultaneous meetings, not perhaps known to them till the very time of meeting, and then often corresponding with other public meetings, fairs, or markets. For that purpose, it would be required of the persons calling meetings to give notice of their intention six days beforehand to the magistrate, in order that he should have time to consider. The magistrate should also be invested with the power, within four days of that fixed for assembling, to change both the time and place, if he should find it proper, so as to defeat any plan which might have been formed to create confusion. The tumultuary character of meetings would thus be removed, and the system of itinerant orators destroyed. Another measure was one with respect to which, he apprehended, there could be but one sentiment in that House; it was, to put a stop to a practice which never had been British, but was borrowed from the worst times of the French revolution. None would be allowed to attend those meetings either armed or in martial array, nor with those symbols which threatened confusion and danger to the peaceable part of the community; and which presented the appearance of an assemblage demanding rather than petitioning for a redress of grievances. It was the law of this country, that a man might possess arms for the protection of his house; but he felt a persuasion that none would contend, that every person was intitled by law to go forth armed. The principle of laying on certain restrictions in this respect was not unknown to our law. That which he proposed was in fact nothing more than a declaratory law, but he

should certainly add a clause, which happily had never been called for before in this country, to prevent any kind of arms from being carried to a public meeting. This would extend to county meetings, as well as to meetings confined to the parish, because even a county meeting in this country had been disgraced by all the weapons and symbols of radicalism. All meetings were therefore comprehended in this measure. There was one point on which he should propose no law; it was the part which women had borne in the late transactions, for he trusted that it would be sufficient to restrain them from similar conduct in future, to let them know, that when the French republicans were carrying on their bloody orgies, they could find no female to join them except by ransacking the bagnios and public brothels. He was happy that no female had attended any public meeting in the metropolis. Such a drama would, he trusted, be put an end to by the innate decorum and the innate sense of modesty which the women of this country possessed, and which would purge the country of this disgrace. The bill which he should propose would, therefore, limit meetings (with the exceptions which he had mentioned) to the parish; would require six days notice to be given to the magistrate before a meeting; would invest the magistrate with the power of changing the day and place within four days of its being held; and would make it an illegal offence for non-residents to attend; or for persons to come with arms or revolutionary symbols, giving a French character to British transactions. The magistrates would of course be empowered to seize such persons, and take them away from the meeting; for, to render the measure effective, it was necessary to strengthen the hands of the magistracy, that they might resist the inroads of people not belonging to their parish. He did not mean that they should turn out any individual whom curiosity might have led to the spot; but if the influx of strangers had a tendency to endanger the peace, or change the nature of the meeting, they should read a proclamation, ordering all strangers to withdraw. If this proclamation was not obeyed, they might then pronounce the meeting to be illegal, and dissolve it. A quarter of an hour would be allowed for the strangers to retire, and half an hour for the meeting to disperse. If after that time more than twelve individuals were found assembled, he should propose to make it not felony with death, but a clergyable felony.—If the hon. and gallant general who had cheered his last statement, was acquainted with the principle of the Riot act, he must be aware that any person standing out against authority was guilty of felony. In 1817 (he did not know whether the gallant general was then a member of that House) a similar principle was acted upon. It would be, in the proposed measure, a clergyable felony; but as parish meetings could not require the usual time to disperse after proclamation, only a quarter of an hour would be allowed for strangers to withdraw, and in half an hour afterwards the meeting should become illegal.

The second subject to which he would call their attention was, the practice of training and drilling. He had omitted however to remark, that debating societies not regulated by a magistrate's licence, were, as by the bill of 1817, included in the restriction which he had detailed. The practice of training and drilling was foreign to every principle of our constitution, and must be reprobated by all who agreed in sustaining constitutional principles. Training, with or without arms, and all military manœuvres, would be prohibited. Meetings for those purposes would be rendered illegal, and magistrates might disperse them at their discretion. A distinction would be made between the drillers and the drilled, because the drillers must be supposed to be more intelligent than the drilled. It was most gratifying to him to be able to say, that, although it had been reported that old soldiers, forgetting their allegiance, had assisted in training others in military exercises, and that although in one or two cases it might be so, yet that the offence had been seldom imitated, and that in general nothing could be more exemplary than the conduct of those who having been the first to take up arms in the service of their country, had been the first at the return of peace to lay them down. For drillers, not only would fine and imprisonment be assigned as a punishment, but it was intended to vest in the court the power of transporting those convicted of that offence, if they thought proper. He now came to the third head. The state of the country, and the secret and seditious practices which prevailed in certain parts of it, called loudly upon parliament to enact some measure without delay for the

detection of arms provided for an illegal purpose. The measure he would propose would be drawn from a similar measure which he had proposed to the House in 1812 (the Disarming act for the midland counties). It would extend only to certain counties, but it might be extended to others at the desire of the lord-lieutenant of any county. There was no principle introduced by this measure which could be considered new, always connecting it with the actual state of certain parts of the country; and it would be liable like the measure of 1812 to be repealed if found unnecessary.

Another measure which he had to submit to them, respected the unbounded licence of delay which existed in certain cases of misdemeanor, and it would provide that such persons should go to trial immediately, unless they showed cause to the contrary. No principle could be more congenial to the spirit of the laws, and no measure more called for by the situation of the country, than one which would render the administration of justice in these cases more prompt. An individual charged with a crime which affected his life, was immediately put upon his trial: but in cases of misdemeanors, the accused had it in his power to postpone his trial, so as to defeat the ends of justice, perhaps for a year and a half. The object was, to make such a regulation as would bring misdemeanors more nearly, in that respect, to the state of graver and capital cases. He must observe, however, without stating technical reasons, there were instances in which some delay must take place, as in cases in which there were rights of removing by certiorari from inferior to superior courts. The object of the new law would be, to reduce the time as much as possible, without reducing those rights. On this point it was unnecessary for him to enter into any further explanations; but he should add, that the measure would be connected with another, which the state of the country, he trusted, justified his majesty's ministers in bringing forward, and which should consist in an attempt at realizing the intention which they had long entertained, of facilitating the administration of justice in the country by some regulation respecting the going judges. The long interval between the autumn and spring assizes afforded great opportunities for escaping due punishment, and presented difficulties in repressing dangerous and seditious practices. It would, therefore, be matter of consideration, whether a system could not be arranged that would give a third assize to those counties. His majesty's ministers would have been liable to the charge of having acted upon ex-post-facto principles, if they had proceeded against the individuals charged with a misdemeanor in the county of Lancaster, per saltum, and that was the reason why they had not appointed a special commission, as the accused would thereby have been deprived of the power of traversing.

He now came to what he had postponed to the last, as being, in every constitutional point of view, the most difficult and the most important—he meant the danger which arose from the abuses of the public press. He was very happy to say, that the measure which he had to propose to meet this danger, applied only to what he might call the treasonable and seditious press of the country—to that class of publications, which, unfortunately as the law now stood, were made vehicles for the dissemination not merely of treason and sedition, but also of blasphemy. It was in his opinion utterly impossible for the mind of man long to withstand the torrent of criminal and seductive reasoning which was now incessantly poured out to the lower orders; and unless some remedial principle could be hit upon, compatible with the genius of the constitution, not only all the other measures which he had proposed would be inadequate for the restoration of tranquillity, but the mind of the country could never settle down to industry and content. He was ready to admit that this country owed much of the intelligence and high character, for which it was so eminently distinguished, to its free press; and that we could not hope long to retain that envied pre-eminence without the possession of what every rational man would call a free press; but if a free press could not be made compatible with morality, peace and religion, then a free press might become a great evil, and produce effects by which a free press itself and every other right and advantage we possessed, would be swept away in one general ruin. No endeavour then could be more laudable than one to dispel that well-founded alarm which now existed with respect to the press. He conceived, that nothing which he had to propose would strike at, or touch, what might be considered the two great pillars of a free press. Every man would be at liberty to

publish his sentiments without any previous investigation into their nature, and without any thing in the shape of a censorship or restraint upon individual discretion. In the second place, nothing should be done to affect the trial by jury as applied to the question of libel in which the jury had the decision of both law and fact. There was no intention to affect the tribunals appointed by law for the trial of libels, or to prevent any man from publishing his sentiments in the first instance; but measures ought to be adopted to cut off the pestilent abuses of the press, because nothing could lower a free press more than such abuses. The first part of the measure he would propose, was one to which no serious opposition could be made, because, in his opinion, it involved no new principle, but left the law in the same situation as before. It went to protect that law, and to punish and destroy an abuse which had already been long in operation--he knew not precisely how long —but one from which he thought every mischief arose. This abuse had operated greatly to defraud the revenue, and greatly to the prejudice of the respectable persons who were engaged in the conducting of newspapers. If this evasion were to be tolerated, it would have the effect of throwing all the periodical press into the hands of men who had neither property nor the means of procuring security, and enable them to inundate the country with poison, at a price so humble, that no individual, however necessitous, would be unable to purchase it. The law, therefore, which he meant to propose, was, that the political publications, now published without a stamp duty, should be hereafter subjected to a duty like other newspapers. By the stamp laws all advertisements inserted in newspapers were liable to pay a certain tax, consequently the general stamp duty to which newspapers were subjected, had reference more to the other matter contained in them than to advertisements—namely, to the accounts of events and comments on these events, matter of a similar nature to that contained in the publications which, in point of duty, he now wished to assimilate to them. It was also to be taken into account, that as the political pamphlets now circulated were of a small size, they could be furnished at a much cheaper rate than newspapers. Indeed, the authors of some of those publications which had done the most mischief, so far from considering themselves exempt from the law of newspapers, did for a great length of time continue to publish on stamped paper. The price of Cobbett's paper, for instance, had been ten-pence; but suddenly it was published without a stamp and sold for two-pence. What he now proposed was, to follow up the intentions of the Stamp act—to follow to its legitimate conclusion the law as it now stood with respect to newspapers, and while adopting a means to guard against offences of the press, to guard also against frauds committed not merely against the revenue but against the respectable newspaper press—to place the publications in question on the same footing with newspapers. Without now entering into any general definition he might state that it was proposed that any thing of the nature of pamphlets or newspapers, and not exceeding two sheets, containing either news, intelligence, or political discussion, or the description of political and religious subjects, in short, all subjects which might be considered as political, should be held as coming within the description of newspapers, and subjected to the same duty. Such a measure was necessary to prevent the respectable circulation of newspapers from being defeated, and to render the circulation of dangerous publications more expensive. Such was the first regulation which he had to propose. The second regulation was also a principle already established and recognised by law, particularly with regard to this class of publications. The law now declared that the names of publishers in general, not merely of publications of the description of newspapers, but of publications of all sizes, should be given, and that every publication should be considered unlawful which had not the name of the publisher on the face of it, for the purpose of making him amenable to justice. But that regulation was at present rendered completely nugatory by a practice which had been adopted, by which the individual who did the mischief was enabled to escape from the consequences of it. When it was wished to do any act which would draw down the animadversion of the law, the mode adopted for that purpose was to put forward some wretched hack, who for a small hire would run all risk of punishment. Now, if any man would run the risk of being lodged in gaol for a trifling sum, while the individual who was the real author of the offence ran no risk whatever, the object of the law was

entirely defeated. He had heard in the case of an individual who was convicted, while another individual for whom the illegal acts was done, could not be touched, that the latter had the impudence to say, "For half-a-crown a day I can always procure a man to stand in my situation, and I can carry on my trade in his name, while he runs all the risks." When it was recollected, too, what time elapsed before applying the penalty of the law after conviction, some remedy on this subject was imperiously called for. What he proposed, was, to check the practice of publication by individuals who had no property in their hands—the practice of individuals who had no visible means of paying the penalty to which they made themselves liable, making themselves responsible for others who derived nearly the whole of the benefit from the publication. In the case of these small publications, he proposed that all persons should be required to give a previous pecuniary security, to abide any judgment that a court of law might pronounce against them either for treasonable, blasphemous, or seditious libels. He did conceive that this would operate in every way for the protection of the respectable part of the press. It would have the effect of bringing forward the man at the bottom of the whole, who would not be allowed to put a faggot in his place. The judgment would attach to the security given, and this he trusted would have the effect of throwing the punishment on the proper person. The third regulation with regard to the press which he proposed was rendered absolutely necessary to give effect to the other two. It was to impose a moderate penalty on all persons publishing or hawking about publications not duly stamped, or not published by persons who had never given any security. If the persons engaged in these publications were not to find instruments for propagating their poison in this manner, they would fail in their object; and therefore it was he proposed to impose a moderate penalty on persons found hawking them, and that the penalty should be recoverable on conviction before a justice of peace or other magistrate. He knew that reproaches had been thrown out against ministers for not taking effectual means for putting a stop to these seditious and treasonable publications, but these reproaches came with a very bad grace from gentlemen who had complained against the late attorney-general for the number of informations *ex-officio* which he had filed. He knew it might be asked by the other side, "Have you applied the existing laws?" In his conscience he believed, under the existing law, the mischief was beyond the reach of any public prosecutor; his learned friends felt that it could only be dealt with by the regulation proposed, which he had no doubt the House would accede to, as the whole country was interested in protecting the people against the pernicious poison.

He had nothing to state upon the subject of the regulation of the press, but these three measures,—1st, To apply the existing stamp duty applicable to newspapers, to all publications not exceeding two sheets, of the same character. 2nd, To require all publishers to give previous personal security, and two responsible securities in the same sum as himself. 3rd, To apply a penalty recoverable before all magistrates, for hawking about publications, with respect to which the provisions of the law had not been complied with. He was now to call the attention of the House to a subject connected with the last. It was a principle not unknown to our law in many offences, and which he thought ought to be applied to the specific offence now under consideration. The House would remember that in 1796 it was enacted, that upon a second conviction for sedition, a higher punishment might be imposed, and in addition to fine and imprisonment, transportation or banishment for seven years might be inflicted when a person had been convicted a second time. He did not mean a cumulative offence, but an offence committed after judgment being pronounced for a first offence, when the person so offending was liable to transportation, or banishment for seven years. He proposed that the court should be empowered, on a second conviction, for either treasonable, blasphemous, or seditious libels, to transport the person so convicted for seven years, or banish him for such shorter period as might be thought adviseable. If there were individuals among us who had such an abhorrence of our institutions, that they were determined to sin with their eyes open after they had once been punished, they could not be considered as visited with a punishment disproportionably rigorous, by being subject to transportation. With these measures and the other measures which his majesty's ministers had adopted, he trusted the evil would be arrested.

Having made these observations, he did not know any thing further which he had to state, excepting that it had been found necessary to augment the military force. This augmentation had been made in the manner, which was conceived to be the most effective, the least expensive, and the least connected with any motive of interest or partial views. It would be most gratifying to government to find that the state of the country rendered all farther augmentation unnecessary. Much depended on the spirit and energy with which parliament acted; and much on the readiness and determination of the sound part of the community to defend themselves against the dangers which surround them. He hoped they would feel it necessary to come forward in armed associations, and to show, that if any persons were disposed to make efforts against the constitution, the friends of the constitution were determined to make greater and more effectual efforts to defend and preserve it.

He did not think it was necessary for him to say any thing farther as to the proposed measures—he had opened to the House what in candour he was bound to state with respect to them. He was perfectly sensible that when any law was proposed of the nature of an infringement on the valuable rights for the protection and maintenance of which the constitution was established—when parliament were called on to abridge such rights, or only temporarily to suspend them—when it was necessary for any minister of the Crown to propose the suspension of the Habeas Corpus act (though it was a great gratification to ministers that at the present moment they were not under the necessity of proposing any such suspension), the only just ground for passing such measures, was the necessity of parting for a moment with some of our liberties for the permanent benefit of the whole. But he begged the House to take distinctly into their consideration that the measures now proposed were not directed against the rights of the people, but against the abuses of these rights, which abuses shook the security of the rights themselves. With respect to the bill which he was now proposing to introduce, similar to that in 1812, giving extraordinary power to the magistrates to search for arms, he had it not in contemplation to offer that bill on any other principle than as a local and temporary measure. But if he distinctly understood the nature of the rest of the proposed measures, and in particular of that intended to repress seditious meetings, it appeared to him that they should be made permanent. He was not aware that they infringed on any popular right. If it were objected that seditious meetings were now confined only to a part of the country, and that the measure applicable to them ought also to be partial, he would say that he did not conceive such a measure could be considered in the light of an infringement on the liberties of the country, being only a solitary protection against the danger from those meetings. The same observation would apply to the bill against training and drilling, to the traversing bill, and also to those regulations which could not be looked on in any degree as an infringement on the liberty of the press, fairly understood, but merely as a remedy against a crying evil. He should not propose, with respect to those bills, any limitation in point of time. He did not mean to say, but that on the country coming back to its former state—or on the game of the disaffected being rendered hopeless—he did not mean to say but that the hon. and learned gentleman opposite in some future review of the laws, when this measure would have ceased to apply to the state of the country, might question whether it should not undergo some alteration, or whether it ought to be allowed to remain on the Statute book. But if there was really nothing in these bills which narrowed the rights of the subject; if they were rather to be considered as protecting the subject in the exercise of those rights, and if a fatal influence had often already been produced on the minds of the wicked and evil-disposed from the indisposition of parliament, to apply temporary laws to temporary evils, he thought the House ought to make them perpetual. They had already seen with what cunning, wicked and evil-disposed men often availed themselves of the expiration of a law or the circumstance of parliament not sitting, to resume all their old practices; and therefore if the House saw those laws in the light in which they were viewed by his majesty's ministers as a remedy against abuse, and not as an encroachment on rights, they would think that much greater benefit would be derived by the country from rendering them permanent. They were called on in political wisdom when they

looked to the scenes around them—when they saw what was passing both at home and abroad—when they considered what theories of government were afloat, not only here, but elsewhere, they were bound, he said, to create a fence around the constitution, and a bulwark to protect it against those spurious rights which were so foreign to its sober genius. How long were the prosperity and tranquillity of the country to be put in danger in this manner? He implored the House for God's sake to look their difficulties in the face. The evil was permanent; at least as permanent as an evil of such a character could be. Wicked and dangerous men ought to be deprived of the power of keeping the country in continual agitation. He therefore proposed the measures without any limitation as to time, leaving it to the wisdom and discretion of parliament to deal with them as it might think proper when the motives for adopting them were passed away; for he believed they were safeguards to the constitution, and not encroachments. He regretted he had been compelled to trouble the House at so much length. The bill giving magistrates a power to search for arms would be introduced first into the other House, as also the traversing bill. The other bills would be introduced in the House of Commons. With respect to one of them, it would be necessary they should go into a committee of the whole House on the subject of it, previous to bringing in the bill; and he should tomorrow or next day, propose such a committee. He should now move for leave to bring in a bill "for the more effectually preventing Seditious Meetings and Assemblies."

Mr. *Tierney* observed, that the awful denunciation by the noble lord, of many of the principles which he (Mr. Tierney) had been accustomed to hold most sacred, must of course occasion him to rise under considerable embarrassment; but that embarrassment would be greater if he imagined that after the statement of the noble lord, the House would expect him on the sudden to be prepared to go into a general argument upon the question. Great variety of matter had been introduced, the greater part of which, to him at least, was perfectly new. When he came down to the House he had not the most distant conception that the noble lord would advert to many of the points on which he had dwelt at large. He assured the House, that he attended in his place, (and he hoped the noble lord would believe him), with a very sincere inclination to listen calmly and dispassionately to all that was to be advanced; he felt not the slightest prejudice on any of the points (on some it was impossible that he should feel any, as he was totally ignorant of them); but after what he had heard, he was conscious that he should not discharge his duty, if he did not trouble the House with a few, and a very few, observations. The noble lord had stated, that members on the opposition side of the House, on the first day of the session, had in substance agreed with all parts of the address relating to the seditious spirit pervading the manufacturing districts. It was almost needless to remind the House that the noble lord had no authority for that statement; for his own part, he (Mr. Tierney) had expressly asserted his agreement with the allegations in the address, as far only as they should be established by evidence to be produced. It was really astonishing that the noble lord, who could be candid enough on the first day of the session, should now, for some purpose of his own, not only state that which went even beyond the address, but attempt to ratify that statement by a supposed confirmation derived from the other side of the House. He (Mr. Tierney) had said then, and he repeated it now, that the measures to be adopted must depend upon the necessity, and that necessity could only be ascertained by due inquiry. He did not say that a possible case might not arise where new laws might be required; that a House of Commons in the discharge of its duty might not entertain projects of this kind, but what he maintained was that they ought not to do so until the necessity had been clearly and unequivocally made out. He denied that necessity at starting: no such case had been made out that justified such measures as had been proposed, even supposing, upon examination, it should turn out that the safety of the country required them. All the House had before it was the notoriety of certain proceedings; but the grounds of those proceedings, their motives, and extent, was only to be gathered from the papers communicated by the Prince Regent. Without meaning to anticipate the debate of tomorrow, to be introduced by his noble friend, he would say, that a more garbled, mutilated account was never presented to

the House of Commons. The noble lord had stated what undoubtedly was very consolatory, but for the comment with which it was accompanied—that the main body of the nation was sound and loyal; that in principle it was attached to the law and the constitution. Even in the disaffected districts, it had been admitted to-night, that the great mass of the population was untouched and untainted by disaffection, and that they were prepared to stand by the law and the constitution; nay, the noble lord went further; he had stated what would have astonished him, if any thing could astonish him from the present ministry on the subject of finance, —that the internal state of the country was perfectly prosperous; that in our foreign trade there was nothing to apprehend, but from the distress of America; that all our manufactures found their accustomed vent on the continent; and that it was the condition of America alone that restrained the commercial industry of the nation. Certainly, if the representations of the noble lord were to be believed in opposition to the evidence of our own senses, the country ought to be in a very happy condition; but how was it then that, as if the nature of the people had changed, as if they had become blind, obstinate, and perverse, it turned out that the nation was to be called upon to sacrifice its constitution on the altar of public security? The subjects of the realm were now told, that the old laws of England were not sufficient to guarantee protection to property; that what they had been accustomed to venerate as their safeguards were inadequate; that not only 10,000 additional soldiers were to be placed over them, but that those soldiers were to be backed by corps of yeomanry, and by statutes hitherto unknown; and after all this, they were to be assured that their condition was fortunate, and their finances flourishing! The noble lord had maintained, that by the amendment, he (Mr. Tierney) had marked his sense of the schemes by which the lower orders were misled. He admitted it; he meant to mark his opinion decisively, that those schemes were dangerous to the constitution, injurious to the public quiet, and most of all injurious to those who were deluded by them. If those unfortunate men could now look into the House, they would see the result of their endeavours; let them abuse the Whigs as violently, and stand by their champion Hunt as firmly as they pleased, if they could now witness the proceedings of parliament, they would see to what a miserable pass their leaders had reduced them, bound hand and foot, and delivered into the hands of those who, by new laws, and new troops, were establishing an inquisition upon the ruins of the constitution. A right hon. gentleman had said on a former night, that the Whigs had been for 50 years excluded from power. It was true, and here was the fruit of that exclusion. After the lapse of 50 years of rule, what had the opponents of the Whigs done for the nation? They had brought it to such a condition of discontent and disaffection, that in a period of profound peace, the tranquillity of the country could not be maintained without new laws, not consistent with the spirit of the constitution. The noble lord had opened five bills to the House. The first was against Seditious and Tumultuous Assemblies—the second against Drilling—the third against the Possession of Arms—the fourth was against Traversing—the fifth branched out into two or three heads; and was aimed at the liberty of the press. With respect to the right of traverse, he freely confessed that his mind was open to information. He did not profess to be acquainted with all the grounds on which that right had originally been conceded to the subject; inconveniences might have arisen from it, and the remedies of the noble lord might be applied without danger. Yet with fear and trembling he should undertake to change an established principle of the common law, founded upon almost immemorial usage; and though he did not undertake to pronounce peremptorily against it, he approached it with a degree of awe, and would not change it until the necessity should be sufficiently established. If by the power of searching for arms the noble lord meant to go the length of saying that an Englishman was not to be allowed to have weapons for self-defence in his possession, a most grave case indeed must be made out before he could consent to the proposition. Going about in armed bodies from place to place was already illegal but between that and the established constitutional principle that a man had a right to have arms for his own defence he took a wide and material distinction. He begged of the House to pause before it sanctioned a measure

which directly violated that privilege, in which twenty years ago men would have shuddered had it been even hinted that an alteration was intended. As a temporary measure it might under some circumstances be necessary; such as that large bodies of men were arming themselves in a way dangerous to the community. What was the fact? The papers upon the table merely proved, that certain persons had been making a limited number of pikes, that certain other persons had obtained some pistols and that a few more were in search of other fire-arms, if they could obtain them at a cheap rate. It was only pretended that Lancashire, Cheshire, a small part of Scotland, though thickly populated, and some districts of Yorkshire, were in a disturbed state: yet upon no better testimony than this the whole people of England were to be deprived of arms. [Lord Castlereagh said, across the table, that the Arms' bill was only to be local.] What then were the districts to which the law was to apply? [Lord Castlereagh replied, "Those included in the Watch and Ward act."] As he (Mr. Tierney) had not that measure precisely in his memory, he would not waste time by observations upon it. As to the law against drilling, he had heard with great astonishment, that such practices were not already against law; that no punishment could now be inflicted upon men who drilled and trained at night, and formed themselves into military array. If this were not so, he was, ready to submit to a new law on this subject. If it could be worded so as to meet the exigencies of the case, he honestly admitted that he had no objection to it; guarding himself with this observation, that it must be drawn so as not to go a single step beyond the necessity of the case, and that it was established that the men were drilling themselves evidently for the purpose of military operations. He next came to what in his mind was the great question of all—the new regulations against seditious and tumultuous meetings. Upon this subject the noble lord had asserted, that all the learned gentlemen on the other side of the House had very carefully abstained from giving any opinion whether assemblies of a particular description were or were not illegal. If he had understood his learned friends, their difficulty was this—that the question must depend upon particular circumstances; and until the facts of a case were laid before them, it was impossible to give an opinion upon it. No doubt a case might be shown in which it would be highly improper for the magistracy not to exert themselves by preventing a projected meeting, to preserve the public peace, a breach of which might threaten the safety of the country. Here the only question was, whether the particular circumstances under which the Manchester meeting was held were of such a description as that nothing but a military force could have put an end to its proceedings? To this he answered, that a meeting as large, or nearly as large, had taken place in Yorkshire; bodies of men had marched to Hunsletmoor of the same description as those that had attended at Manchester, with flags flying, and what had been termed an appearance of military array. What had become of it? The mayor of Leeds had felt no disposition to interfere; he had taken the proper precautions for the security of the peace, in the event of danger, though he did not think it right to make an ostentatious display of those precautions until a justifiable cause (which he did not apprehend) should be afforded for resorting to them. Such a cause did not occur. The persons assembled dispersed quietly; and from first to last, in Yorkshire, there had been no symptom of confusion. In Scotland, also, the magistrates had exercised a sound discretion; they had let the feeling of animosity waste itself; it did waste itself; and no such proceedings as those of Manchester had occurred there. And now the noble lord came forward, and assumed it as indisputable, that meetings must be confined within some other limitations, than those which at present existed, either numerical or local! The noble lord's plan appeared to be this—that no meeting should be allowed in any county, unless convened by the sheriff, the lord lieutenant, or by five magistrates: in certain towns, it must be called by the mayor; or if called by individuals, that no man could discuss and deliberate upon any public question out of his own parish. If such were the plan, there was at once an end of all the old wholesome spirit of the law upon this important subject. It would really seem from the cheers, as if the noble lord was restoring that old wholesome spirit, and that he (Mr. Tierney) was resisting it. Yet under that old wholesome spirit this country had flourished more than it would under the

sage administration of the noble lord if he were to live for a century. Whether in former times any meetings as numerically great as those of which the noble lord complained had been held, he did not know; but every page and every corner of every page of our history showed that assemblies had been convened, where men were allowed to harangue in any times of alarm. Mr. Burke had well called them the safety-valve of the constitution, by which all the foul air was permitted to escape. This safety-valve with all his fears, the noble lord would destroy, and while he exclaimed that his only purpose was to preserve the constitution, no man could fail to see that he was preventing the exercise of an accustomed constitutional right. This attempt was to be viewed with the utmost jealousy; it was to introduce an entirely new system, and that not merely temporarily, but permanently. When the bills came before the House, many opportunities would be afforded for objections in detail, and he was much mistaken if they would not be found in every corner of every measure: he was now objecting only to the principle, and it ought not to be forgotten, that these acts were not to be local; they were to extend to England, Scotland, and Ireland. When the noble lord mentioned that he should open a whole system, he had flattered himself that a part of that system would be conciliation. It was now seen, however, that nothing but rigour and coercion were to be resorted to: a blow was struck at the very vitals of fair and free discussion, and did the House really believe that in following the steps of the noble lord it would not be treading upon very dangerous ground? Did it believe that the danger arising from the state of the country was as great as it was represented, or that the refusal of what the noble lord demanded, and a reliance upon the venerable laws of the kingdom, would not be the least hazardous experiment? Would not the new bills rather exasperate than repress? If there were these large bodies of men in a state of dangerous effervescence, which he much doubted, would not the peril be doubled, when they were told that they must expect nothing but coercion—that new laws should be invented to put them down, and that none of their grievances, whether real or imaginary, should receive a moment's attention? If parliamentary reform were mentioned in any shape, the immediate answer was—"Now you are going to innovate." Yet ministers were to make what innovations they pleased; they were to invade the most dear and settled rights of the people; to infringe upon privileges that the practice of many centuries had confirmed; and if a charge of innovation were made against them, they met it with a look of astonishment and a cheer of surprise. What must be the event? Would not those who were now agitated be worked to a state of madness or desperation, instead of being quelled and subdued? He warned the House how it consented to steps that might be attended with the most baleful consequence, and neglected the voice of the people; not merely of those who were enthusiastic on parliamentary reform, but of sober thinking men, whose experience gave them this unanswerable demonstration—that something was wrong here, and that something must be altered. Ministers might fancy that they could control the distressed by overawing them with 10,000 men; but they would find it impossible. A dead silence in the country might for a season be produced by soldiers and penal laws, but nothing could reconcile the people to the loss of their rights, or compel them to submit quietly to that grievous deprivation. The number of armed men might, in time, be rendered greater than the unarmed, and then, instead of venting their feelings by becoming spouters at public meetings, the discontented would be converted from empty boasters in public places, into real conspirators in dark corners. These matters well merited the attention of the House, and especially of that portion of it who thought of nothing (and he did not blame them for it) but of the preservation of property. Property never could be exposed to greater danger ultimately than for a popular representation, as this House called itself, to pass nothing but acts of rigour, and omit all attempts at kindness and conciliation. The right of meeting was not only to be taken away, but what the noble lord had called the broad liberty of the press was to be invaded. As to the cheap publications as they were called, no one viewed with greater disgust than he did their effusions, as well on the subject of religion as in vilification of the best characters in the country; and his chief astonishment had arisen from observing, that for three or four years together no attempt had been

made to put a stop to them. The noble lord had observed that complaints had been made against the number of *ex-officio* informations, and it was true: they had been objected to as arbitrary and needless; but could any man read but the tenth part of the cheap publications, and not be persuaded that grand juries would have found true bills, and petty juries verdicts of guilty against their authors? Did ministers by this abstemiousness of prosecution mean to bring the matter to a crisis like the present? Did they contemplate a time when the vast accumulation of the evil would warrant them in this new infringement? If the libels had been brought before juries, ministers seemed to apprehend that the existing law would have been found sufficient, and they would thus have been deprived of one main ground on which their measure rested. As to the question of the liberty of the press, if he were to enter into it, a wide field indeed would be opened to him; but though he might lament the excess to which that liberty had in some instances been carried, he was persuaded that the old and recognized laws were adequate to restrain it. Upon this point the case was as defective as upon others; and as nothing was more valuable than the preservation of the liberty hitherto enjoyed, he hoped the nation would feel it, and that before the noble lord's bill passed into a law, depriving the people of their ancient privileges, they would assemble without fear, and pour in upon the House a tide of remonstrances which even the noble lord would not be able to resist. It was unnecessary for him on the present occasion to say more. The liberty of the press was as yet in safe hands—in the hands of the press itself: which would no doubt speedily throw light enough on the subject to show what the real causes were of the licentiousness of the few, that was to be made the ground for encroaching on the liberty of all. He had come down to the House with a sincere inclination to listen impartially to what the noble lord might suggest, and disposed to concur in the measures proposed, rather than to oppose them; but he had then no notion of the extent to which the demand would be made. He might have been willing to concede something if a necessity had been shown, but nothing would satisfy the noble lord but an attack upon the very vital principles of the British constitution. Were we to live in entirely new times? Were we now to hold up to the world, that the constitution which we had hitherto venerated for its antiquity, and loved for the blessings it has conferred, was of no value? Formerly, when foreigners asked in what way we became possessed of such and such institutions that attracted their admiration, we could reply, that we were indebted for them to the right which the people of England enjoyed of thinking and speaking freely. But now another lesson was taught by the noble lord, who would convince us, that what had been the salvation of our liberties was the destruction of our happiness—that what we and our forefathers had believed, was false and foolish; and that to preserve freedom and property, the constitution must undergo a change which, in his conscience he (Mr. Tierney) believed it could not survive. He said fairly and openly that suspecting as he did the administration from which these measures emanated, he considered them as only the advanced guard of the array of bills which they were to direct against the constitution. He saw on the part of the government an evident determination to resort to nothing but force; they thought of nothing else; they dreamt of nothing else; they would try no means of conciliation, they would make no attempt to pacify and reconcile; force—force—force, and nothing but force! that was their cry, and it had been the same for years: one measure of coercion had been, and would be, followed up by another, and the result would justify what he asserted, that 10,000 men would not answer their purpose; one measure of violence must succeed another, and what they gained by force they must retain by the same detestable means. The people would never rest until they were allowed to live under laws equally administered; until their honest industry could procure them the means of maintaining their families, and until they should again enjoy the blessings of that constitution which their ancestors intended they should partake. If not, discontent would increase to disaffection, and distress would produce discontent, notwithstanding the bold assertions of the noble lord, that the nation was prosperous, and had no wants but those which arose out of the present condition of America. If the noble lord had confined himself to the grant of 10,000 men, he should have deemed it a

strong measure in a time of profound peace. Was any evidence offered that a body of the military had been overpowered, or even that it had not always been sufficient to the dispersion of any meeting? But if the country gave him more troops to put down new meetings, surely it was somewhat hard that he should also ask it for new laws, that were to prevent the possibility of new meetings. If the noble lord thought that the new laws would be effectual, where was the occasion for the 10,000 men? It was clear that the noble lord felt that his new laws were more likely to exasperate than to conciliate, and the best comment upon all the noble lord had advanced in favour of his new projects, was his declaration, "I want 10,000 men into the bargain." His sincere belief was, that the noble lord would want many more than 10,000 men, and what a melancholy prospect did that hold out to the country! It might be said that he used violent language. He admitted it; and all he could say in answer was, that he did not utter a single syllable that he did not on his honour, believe. He was an alarmist, he felt alarm, because he was compelled to trust to men who would rely on nothing against the people but brute force. He was alarmed because an attempt was to be made, under false pretences, to destroy all that was valuable in the constitution, unless it were defended by the free spirit of a yet free nation. Therefore it was, that he indulged a hope, that while the right of meeting remained, the people would meet and express their opinions with such effect that the threats and measures of coercion might be abandoned. He had hoped that a more moderate course would have been pursued, because, with the exception of the disturbed districts, as they were called, there was no part of Great Britain where assemblies might not be held, even by the admission of ministers, without the slightest danger to the public peace. He trusted that the country would thoroughly understand the nature of these novel laws, that the real objects of government would be evident, and that those objects by the public voice would be for ever defeated. If the country abstained from that course, and if the House, without any evidence to warrant those innovations, should consent to follow the noble lord in his desperate and adventurous course, all he could say was that he should witness it with the deepest and most sincere regret. He should then have lived long enough, and could no longer be of use to his country in that House. He saw an hon. gentleman on a bench below him smile. If that hon. gentleman expected him to secede, he should tell him that it was contrary to his principles to do so. He did not mean to retire from parliament—he would still attend, and by his vote oppose the progress of laws destructive of the nation's rights, but he should not feel bound, after the people had shown such apathy, to sacrifice for them as he had hitherto done, his time and his health. He hoped that all members would give the subject their most deliberate attention. The new laws were not such as the public exigency required; the extent, or even the existence of disaffection was not proved; and until it should be so, it was the duty of every honest man to pause. At least, attention ought to be paid to this point —whether some course of conciliation might not be adopted; whether steps ought not to be taken to satisfy the people, and to prove that, while the House was willing to repress sedition, it had a fixed determination to listen to their grievances, and, as far as possible, to apply a remedy.

Lord *Castlereagh* explained. He had not asserted that the only distress arose from the diminution of the trade with America; but he stated it as a consoling circumstance, that amidst our distress, it did not appear that the consumption of our manufactures in foreign markets was diminished, except in America, where the diminution was to be attributed to temporary circumstances. He had admitted the distress, though that, too, he believed to be exaggerated; nor were those the most disaffected who were the most distressed. He held, too, that the distress depended upon causes to be removed by time alone, not by the hand of parliament, still less by the particular nostrum which had been brought forward for their cure. Any thing which might now be done by the House would not prevent them from taking that distress into consideration at some future period.

Lord *Folkestone* said, he was unwilling to offer himself to the attention of the House; but he felt it impossible, after the speech of the noble lord, to suffer them to separate, without expressing his detestation of the measures proposed. He conceived he should not be perform-

ing his duty, if he did not endeavour to impress upon the House the necessity of extreme caution and consideration, before they adopted any of those measures. He fully concurred in one part of the noble lord's speech—in the confident hope that the House would stand by the constitution. He conscientiously hoped that they would not suffer the proudest pillars of that constitution to be pulled down by the audacious hands of ministers. He would put it to every gentleman in the House—to those, even, who cheered the noble lord's speech—whether, on their conscience, they did not believe that the objects of the noble lord were, on the one hand, to put down the liberty of the press, and, on the other, to prevent all public meetings. County meetings were indeed left open; but, after the so prevailing fashion of the sheriffs refusing to convene them, could it be mistaken, that the noble lord's object was to prevent altogether those numerous meetings, in which Englishmen communicated to one another their sentiments of attachment to the laws and the constitution, and of opposition to the inroads of arbitrary power? Besides these measures, as if they were not considered sufficiently severe, there was what he conceived a most serious attack on the liberty of the press. On this subject he begged of the House to consider fully the nature of the course that had been already adopted. Scarcely had a statute been passed connected with this bulwark of our liberties for the last thirty years, which had not placed additional trammels upon it; and what was now the result? Why, that ministers felt themselves called upon to ask for new measures of severity. They had thus, on their own showing, only made the matter worse by continued restrictions. Now, he would ask, whether, having failed in so many trials of one course, it would not be prudent and politic to resort to another, and see what might be done by that? Upon one of the proposed measures he begged to offer a word; it was that which went to restrict the right of traverses under particular circumstances. The noble lord had said, that he did not see why, when a man accused of a capital offence could not put off his trial without stating strong grounds, such an indulgence should be given in cases of misdemeanor. One would think that the noble lord was wholly unacquainted with the forms of law upon this subject. The cases were very different. In the case of felony, the person knew from the first the particular crime of which he was accused. It was stated in the warrant of commitment. But the man accused of misdemeanor very frequently was ignorant of the precise nature of the charge against him, until after the grand jury had found the bill. It could not, therefore, generally speaking, be expected, that he would be then ready to proceed to trial. Indeed, the cases, if he was not mistaken, to which allusion had been made (the cases of the commitment for a conspiracy at Lancaster), were in point upon this subject. There the parties had been detained in solitary confinement for 11 days, and it was then uncertain whether they were to be charged with conspiracy or treason. They were at length accused of a conspiracy, and they could not of necessity until that moment know the nature of the charge. Would it then be surprising, under such circumstances, that men should not be disposed to go to immediate trial? He would not now advert to the other topics embraced in the speech of the noble lord, but he could not help remarking on the tone and manner of the noble lord on the occasion. The noble lord would wish the House to think it an act of kindness on his part, that some of the measures were not most severe. In his kindness he had said, that it was not intended to make the stranger who should remain a quarter of an hour at one of these meetings after it was ordered to disperse, liable to the punishment of death. In his kindness he had mentioned, that it was not intended to put a general censorship on the press; in his kindness he had informed them, that it was not intended to take away the invaluable privilege of trial by jury. But, notwithstanding this apparent kindness, he trusted that the House would see and understand the real nature of the measures proposed; and if they did not resent the tone in which their dearest rights were treated of, they could not be possessed of the spirit which it was imagined belonged to every Englishman. He could not help connecting the words of the noble lord with what had fallen from his hon. and learned friend on a former night. Only one of the measures which were now proposed was to be local and temporary, all the others were to be perpetual, and to apply to the whole country. Mark the conduct of the ministers in this case.

They had brought down evidences of disturbances in a particular part of the country, which might pass away, as they had passed away before. They had brought down measures restrictive of liberty, general and for all time to come. His hon. and learned friend, in referring the other night to the seditious publications which had been allowed to go forth in different parts of the country during the last two or three years, had fairly asked, why they had not been prosecuted, and their authors punished? He had said at the same time, that although he did not think this neglect intentional, yet it would seem as if those publications had been permitted to accumulate, in order that a pretence might be found for striking a blow at the general liberty of the press. Would his hon. and learned friend now think, after what he had heard, that there had been no intention? If he did, he (lord Folkestone) for one, differed from him on that point. Again, he asked, why these publications and practices of a seditious nature had not been sooner checked? Why had not the law of the land been before applied? According to the opinion of the learned solicitor-general, the seditious practices complained of might have been checked by the existing law; for he had declared that they were contrary to the law. The magistrates of Manchester themselves had said the same thing, and in their letters, upon which all these proceedings were to be founded, had over and over again complained of these meetings and practices, and begged to be enabled to arrest their progress. They prayed ministers for some clue to direct their proceedings; but ministers would give none. From the account of the affray of the 16th, it appeared to him to be very evident that ministers wished not the event that took place, but that which arresting Hunt in the face of the meeting it was very probable would occur. They had let the mischief grow up, and the storm gather to its present height, in order to induce parliament to pass, and the people to sit by whilst they passed measures restrictive of the rights, and subversive of the liberties of the subject.

Mr. *Brougham* said, it was not his intention to trespass long on the attention of the House, but he felt it due to his hon. friends and himself to state why it was they did not wish to take the sense of the House in this stage of the proceedings. It was not because they did not object to the proposed measures as a whole. It was not because they now concurred in any part of them: for against the spirit which pervaded the whole, he fully agreed with his noble friend who had just sat down, in entering his solemn and decided protest. But at this time, when they were so little aware of the detail of the noble lord's plans of restriction, when they knew so little of what was really meant, when the parts were so little before them, he thought it better to take the sense of the House at another stage. They were now but little aware of the precise shape of this momentous measure for putting down public meetings, by confining every man to his parish, and even by cutting and carving particular parishes, according to a standard of numerical propriety, so that every man called to a public meeting, must consult the population abstract, to know whether the population was 19,000, and he might go, or 20, that he must stay away. The noble lord had not said whether the new act was to apply to meetings within doors, to assemblies in taverns, or to associations purely literary. He had not told them whether it would be lawful to attend a Bible meeting, or assist in promoting a charity out of one's own parish. An hon. friend of his had lately attended a public meeting at Kendal, for a good purpose, but in a sort of itinerant manner: was it now to be understood that he should be no longer allowed to attend such meetings, unless he belonged to the parish in which they were held? The right hon. the president of the board of control, whom he regretted not to see in his place, and the more so as he understood his absence was caused by indisposition, must be in favour of the principle which he (Mr. B.) now urged, as his practice had been in accordance with it. The right hon. gentleman had attended meetings in this very county of Lancaster, out of his own parish too, above ground and below ground, in all sorts of places—at Liverpool before his election, and at Manchester, after it—at Manchester, of which he could not be member, and at Liverpool when he was not its member. Was it to be now said, that a repetition of such conduct would be illegal? Or did the noble lord mean not to extend this measure to canvasses for elections? Did the noble lord mean to say, that no person proposing himself as a candidate for . in parliament should be allowed to address a meeting in

his canvass, unless he belonged to the place for which he offered himself as a representative? What distinction did the noble lord make with respect to parishes having 20,000 inhabitants, and other less populous parishes? How was the act intended to operate in conterminous parishes, in one of which a meeting should exceed a certain number? Were strangers to be warned off, as soon as the excess in point of numbers was perceived? Or suppose some hapless orator were to stand exactly in the boundary, and address two parishes, one having a greater number than the act allowed, would it not then appear that one part of his frame might be committing an illegal act, because although on one side he addressed himself to 10,000, on the other his auditors exceeded that number? Another ground why he and his hon. friends did not wish to press this question to a division was, that they had no information as to the facts alleged. There were many assertions, but not one had yet been proved. He would not now give any farther opinion upon this subject, but he trusted that, unless the House should get security for the truth of all the facts now brought forward as the ground and justification of these measures, and for their absolute necessity, they would object to them *in toto*. Even should those facts be substantiated, he would not now pledge himself to the vote which he might feel it his duty to give on any part of these measures. As to the liberty of the press, and the proposed restrictions on it, he would only say, that, admitting a certain degree of mischief to exist, and allowing that something should be done, yet one of his great objections was, that while the proposed measures tended to submit that great blessing to a kind of arbitrary authority, they did not tend to provide a remedy for the actual evil complained of. What that remedy should be he would not then pretend to say; but he pledged himself to oppose every restriction which did not, in his opinion, provide one; and at some future period to put the House in possession of his views on the subject.

Lord *Rancliffe* observed, that it had been his custom to express his sentiments merely by his vote; and he should not now have deviated from it, but that being convinced by the reasons of his hon. and learned friend, he would not press this matter to a division, and was therefore desirous of declaring, that he regarded the whole of the proposed measures as highly unconstitutional.

Mr. *George Lamb* thought the time was now arrived when the House should show that it meant to deal even-handed justice to the people. He viewed with perfect horror the measures which had been proposed; but he wished to know whether there was to be a *scintilla* of justice—something like a show of reparation—to the people for a right taken away? When the House was about to pass measures restrictive of their liberties, and to deprive them of some of their ancient privileges, it would be but fair to remove certain practices which they, on their part, had found to be oppressive. He would ask the attorney-general whether, when the right of traverse was under some circumstances to be taken away, and the party accused put immediately on his trial, it would not be just that he, the law-officer of the Crown, should be deprived of the power of suspending *ex officio* informations for any length of time, over the heads of his majesty's subjects.

Strangers were again ordered to withdraw, and the gallery was cleared, as if for a division. None, however, took place: the bill was read a first time, and the second reading fixed for Thursday.

## HOUSE OF LORDS.

*Tuesday, November 30.*

STATE OF THE COUNTRY.] The Marquis of *Lansdowne* rose, in pursuance of his notice, in furtherance of a duty, the importance of which he most seriously felt, to propose to their lordships to appoint a committee to inquire into the state of the country, and more particularly with reference to the distress of the manufacturing districts, and the execution of the laws. In doing this, he felt all the difficulty of the task he had undertaken, and was sensible how much reason he had to lay claim to their lordships' indulgence for the details into which he should find it necessary to enter in bringing this important subject under their consideration. He was aware, however, that he came before them at a time when there could be little difference of opinion as to the momentous nature of the subject on which he was addressing them. It had been common, and nothing was more natural on ordinary occasions, to impute to noble lords on that side of the House,

a disposition to magnify the dangers of the country, and to accuse the noble lords on the other side of placing them in a point of view by which they were too much diminished. But, at the present moment, this difference of opinion did not prevail. Indeed, when he recollected what had taken place within these few years; when he considered that within the last month there had been added to an already large standing army, a force, or rather a new army, greater than that which a hundred years ago had been thought sufficient for internal defence, and external operations; when he found their lordships' table, and that of the other House, covered with measures for restraining the liberty of the subject; when he saw all this, joined to the great anxiety which every where prevailed respecting the state of the country —an anxiety which was greatly increased by the conduct of those in whose hands the government of the Prince Regent was placed—he was convinced that it would be a waste of their lordships' time to offer any argument on the extent of the existing danger. He felt this conviction the more, when he considered that their lordships were called upon by the Prince Regent's ministers to adopt measures to check or avert the evil. It must from all these circumstances be admitted that a *primâ facie* case was made out for requiring their lordships to consider the nature and cause of the danger, and the remedies which ought to be applied.

To perform this duty, it would be necessary for their lordships to take a large and comprehensive view of the situation of the country, in order that they might be enabled to make up their minds to the whole extent of the mischief, and to the means of cure; and, in particular to ascertain whether they had nothing more to do than to pass the bills which the noble secretary of state had recommended for their adoption, and then to return tranquilly to their duties or amusements in the country. The variety of considerations that offered themselves, and the difficulty of making out particular cases, were the chief reasons which induced him to bring the subject in the shape he proposed before their lordships. He was confident that it would be a great mistake, were their lordships to content themselves with taking a partial view of the situation of the country. To look merely at partial danger would tend only to mislead, and produce a false conclusion. This kind of error would be inevitable, if they founded their opinion on any single circumstance or transaction, without connecting it with the whole situation of the country, and bringing under their review not only the events which had taken place, but the causes of those events. No man could look at the events which had recently occurred, but must feel that violence was to be repressed by violence, and that sedition of every kind was to be put down by the law. But when the violence was repressed, and the sedition subdued, was not the evil which had led to that state of things to be explored? Were their lordships to stop at this point, and forget that it was their duty to look farther, and to consider how the causes of the evil could be removed? Their lordships must not be satisfied with finding a case made out with respect to the circulation of seditious publications; but must inquire into the cause which produced them, and obtained for them readers. It was not sufficient for them to know, that itinerant demagogues had travelled over the country, addressing seditious harangues to multitudes of people; they were bound to make themselves acquainted with the causes which had produced these extraordinary effects, and to ascertain why so many tongues were thus employed, and why they found so many ears disposed to listen to them. It would be in vain to attempt to discover these causes by any partial view or examination, as it would be absurd to account for them by their effects. From all that their lordships had seen, it appeared that there existed among the people a strong desire that something should be done to ameliorate their situation. Whatever desire there was of change, it appeared to be founded merely in a feeling of uneasiness, and exhibited a wish to embrace any scheme whatever, which might appear calculated to give them relief. Looking, then, at all the circumstances which had come to their lordships' knowledge, it appeared that one principal cause of this feeling, and one which unfortunately was founded in truth, was distress. He did not mean to say that there were not other causes which were calculated to excite great jealousy among the people—a jealousy even justified by the acts of that and the other House of Parliament; but it was evident that the spirit which, under the name of radicalism, had prevailed in different parts of the country, had always taken a deeper

root, and more vigorously flourished, in proportion to the extent of the distress of those to whom that fallacious and destructive doctrine was recommended. This would be evident, if their lordships took the trouble to compare the state of the agricultural and the manufacturing districts. The agricultural labourers, though not in that happy situation in which they had formerly stood, were much better off than the labourers or manufacturers. Accordingly, it would be found, that it was in the manufacturing districts only that the mischief which their lordships were called upon to correct had any existence. If he went farther, and inquired among what descriptions of manufacturers the poison was most widely diffused, he was again compelled to point to those who were suffering under the greatest degree of distress. Among the cotton-manufacturers, whose situation was worse than that of any other class, the spirit of radicalism had been carried to the greatest extent. It was important that their lordships should feel the truth of this view of the subject, in order that their attention might be fully directed to the state of the manufacturing districts, which formerly employed so great a part of the population of the country. From statements which he had before him on the table, he could prove to their lordships, that in all the great stations of the cotton-manufacture, such as Manchester in England, and Glasgow and Paisley in Scotland, the earnings of the manufacturers had, at an average, fallen more than one half. Even adding all that could be obtained by working additional hours, the average rate of payment did not exceed 5*s*. a week in the principal manufacturing districts. There were, however, other places where, from local circumstances, the master manufacturers could not afford to give even so much as 5*s*. a week. This was the case at Maybole, in Scotland, and some other parts, where, from the smallness of the capital of the master manufacturers, they had been compelled to reduce the rate of wages to half-a-crown per week. There were other places where the price varied to 4*s*. and 5*s*., and where some addition was supplied to the labourer from other sources.

He would not trouble their lordships by entering farther into the details which the papers before them afforded; these details were all of the same description, and proved to demonstration, that it was this lamentable distress which afforded employment to the agents of sedition. It was the material on which they worked. It became their lordships to turn their attention to this distress, and to investigate its causes. Those causes appeared to be of no recent date, and their operation might be traced, through the last twenty years, to measures of political economy, connected with the political events of the times. It was one effect of great civilization to produce a great quantity of fixed capital; and the greater that capital was, the greater became the difficulty when any derangement of its usual course of employment took place, of throwing it into new and productive channels. That very division of labour, too, which was another consequence of social improvement and high civilization, formed on such occasions an additional evil; for the workman became a part of the same fixed capital, inasmuch as the talent and ingenuity he had acquired in his particular art or manufacture could not be otherwise employed. It was in every sense of the word, in his hands a fixed capital, which he could not remove to any other productive source of employment. When a great proportion of the population of a country was employed in manufactures, of which a diminished demand suddenly took place, the distress produced must be great. The master-manufacturers lowered the rate of wages: this reduction induced the labourers to work a greater number of hours; and thus more goods were produced, which served only to add to the evil. During the late war it happened (for it was the effect of every war to throw capital into new channels), that various profitable branches of commerce were carried to a great extent. In the course of a contest which had continued longer than any other in which the country had been engaged, and which was connected with a monopoly of the carrying trade, the commercial advantages which presented themselves were necessarily great. The effect of the profitable employment of capital was, to raise up a vast population, supported by means which, from their very nature, could not be permanent. Intimately connected with this circumstance was the disproportion which naturally followed between the agricultural and manufacturing part of the population, the latter being to the former in the proportion of of 900,000 families to 700,000. The

evil was greatly aggravated by some other circumstances in our domestic policy, by the state of the finances, the Poor-laws, and our paper currency.

Without troubling their lordships with all the details into which he might enter, to prove the pernicious influence resulting from such a state of things, it would be sufficient for him to remind them, that the poor laws, by making up to the labourer the deficiency of wages, had served as a bounty for an artificial speculation in manufactures. The paper currency also afforded another means of artificial speculation. Capital and labour having, in the manner he had described, been thrown into new channels, a great charge was imposed upon the public, when the cause which produced the impulse was withdrawn. The population which had been raised by commercial speculations during the war, was thrown back upon the country, in a very different situation from that in which the population stood at the commencement of hostilities. They required aid, when the means which the country had of affording it was greatly diminished, This could not surprise their lordships, when they considered the effect of a revenue increased from sixteen to between fifty and sixty millions, and the burthen which such an increase necessarily imposed; when they considered that every individual in the country was subject to burthens equal to triple the amount of what had been paid before the war; and that, compared with the principal manufacturing countries of Europe, our charges were double, and considerably more than the double of those countries. These circumstances could not be left out of any view which their lordships were called upon to take of the internal situation of the country. When they reflected on the effects which must naturally result from such a state of things, could their lordships be surprised, that many among the unfortunate part of the population he had described, were disposed to listen to projects which might be suggested for bettering their condition, without examining the nature of those projects with sufficient discrimination? Having exhausted all their means in a struggle between life and misery, was it surprising if nothing was done to remove the cause, that they should proceed from poverty to crime, till society, grown weary of the load, wished to shake off the incumbrance? It was however, satisfactory, to their lordships to know, that, notwithstanding the industry of the agents of sedition in working on this distress, the poison had not extended to all the population of districts in which the misery prevailed; and that by far the greater portion was acknowledged to continue firm in their allegiance. Even at Manchester, where that unfortunate event had occurred of which he should speak more at large by and by, it appeared that there was no ground for supposing the majority of the distressed population disaffected. If their lordships referred to the papers on the table, they would find that Mr. Hay considered only a part of the mob that composed the meeting to be what he called reformers. Of whom, then, did the other part of the meeting consist? Certainly not of persons whose minds had been poisoned by seditious publications, or by the harangues of itinerant demagogues. Besides, what proof had ministers afforded of the dangerous spirit having spread beyond the distressed districts, or of any thing which could stamp the character of treason or disaffection on the population in general? Policy, as well as humanity, called upon their lordships to devote all their minds to the present situation of the country. If by any apparent want of attention, an opinion should prevail among the middling classes of society, that their interests were either not duly consulted, or sacrificed to other interests, it was impossible to calculate what might be the consequences of such an impression. Then vain would be levies of soldiers, and all enactments of severe laws. Then would the arm of the constitution be withered, and those institutions which had been the pride of the country, and the safeguards of liberty, and which depended entirely on the confidence of the people, would be annihilated. He thought the situation of the country in this respect truly alarming; for if the middling classes were to become disaffected to the institutions of their ancestors, it was impossible to say where the danger which their lordships were called upon to avert would end.

Having said thus much, with the view of impressing on their lordships the necessity of diligently investigating the causes of the existing discontents, he should now proceed to consider what means of cure might be in the power of the legislature—first, with reference to the causes of the distress; and secondly

with reference to the execution of the existing laws; for with regard to the latter part of the subject, if any cloud was hanging over the conduct of those who had to put in motion the laws of the country, it was fit it should be removed, or the circumstances which gave rise to it explained. Among the means of relief which had occasionally been suggested, was a parliamentary grant for the assistance of those who were suffering by the decay of trade and manufactures. This mode, however, involved a very objectionable principle, and was a mode of relief which, he confessed, he could not accede to without great consideration and caution; for evil was always to be expected when any considerable amount of capital was suddenly removed from one quarter to another. If, indeed, he could bring himself to the opinion that the evil was temporary, that it depended in a great measure on the distress of other countries, and that the means suggested would give effectual relief to the distressed population, then he might be induced to depart from those principles of political economy which, under other circumstances, he should be disposed to hold sacred. If he could be persuaded that a parliamentary grant would carry the people of the distressed districts over their difficulty, he would not hesitate to give it his concurrence. There were, however, other means which, in his opinion, might be resorted to for the purpose of diminishing the burthens which pressed so heavily on the people in general, and palsied every branch of industry. He would for the present suppose that it should be found impossible to carry the reduction of the public expenditure farther than had been done; still, when their lordships considered the manner in which the revenue had been raised for many years past, when they recollected that it had been the object of every minister to look merely at the resources of the present moment, without sufficiently calculating the effect which his measures might have on the future state of the revenue, he believed they would not think it unreasonable to expect some relief from an improved distribution of the public burthens. It was also probable that there were particular duties, the removal of which would afford an important relief without affecting the general amount of the revenue. For instance the article of tea was one the consumption of which, in consequence of the high duty, was, he understood, considerably diminished, particularly in the districts to which he had so frequently alluded. If the duty on tea were lowered it was to be expected that the consumption would be resumed and carried to a greater extent; especially as from long habit, it might be regarded rather as a necessary than a luxury. In considering this subject, it ought not to be overlooked, that the smuggling of tea was carried on to a great extent. It had been estimated that America re-exported tea to the extent of a million and a half; and if this calculation was correct, there was no doubt that a very great portion of this tea was introduced by smugglers into the British dominions. It must then be obvious, that a reduction of the duty would, by taking away the temptation to this contraband trade, increase the revenue. At the same time, a careful revision of our commercial system ought to be undertaken.

It had happened most unfortunately, that the present administration had not succeeded, under the most favourable circumstances in which they could possibly have been placed, to conclude at the close of the war a commercial treaty which might have proved beneficial to the country; but even without any such treaty, much might be done to encourage trade and facilitate the exportation of our manufactures. He would again, merely for illustration, state an instance in which this desirable end might to a certain degree be easily accomplished. The trade with Norway had been sacrificed with the view of encouraging the importation of timber from Canada. The result of this arrangement was, that we had been deprived of the advantage we derived from the opportunity of procuring an article of great value in building, while our export trade was, by the same exclusive system, diminished. It could not be questioned, but that if the prohibition against the importation of timber from Norway were removed, an opening would be made for the exportation of some of our manufactures. There were other regulations which might be made, all tending to open additional markets for our manufactures, and above all, there was South America, where a great mart might be opened for our manufactures, as was evident by what had been done through the appointment of a consul, and the opening a communication with the government of Buenos

Ayres. But he should not dwell longer on this part of the subject, being confident that, if he prevailed on their lordships to go into the inquiry, he should propose to institute, either with respect to relief from the weight of taxation, or the improvement of our commercial relations, no practical means would be omitted which might appear calculated to lighten the burthens of the country generally or tend to improve the situation of the manufacturing districts.

Besides the hope of finding the means of removing distress, there was another great object which he thought ought to make an important part of the investigation of any select committee appointed to inquire into the state of the country. That part of the subject embraced the consideration of public meetings and seditious publications; and when their lordships' attention was directed to these objects, he must think them bound to inquire how far the administration of the laws had been fair and uniform; he used the word "uniform," because certainly nothing could produce a more unfavourable impression on the public mind, than affording ground to suppose that the laws were capriciously executed. Now, with respect to seditious publications, it ought to be explained how it happened that the law of libel had been, for two or three years, so laxly and ineffectually enforced, as to permit the most extraordinary multiplication of works of that description. Their lordships should be informed of the reasons which had induced the law officers of the Crown to allow sedition to stalk abroad without any attempt to check it, as if it had been intended by permitting its increase to lay a foundation for measures restrictive of the press. Upon what other ground could libels, which no twelve men in the city of London or any where else could hesitate for a moment to condemn, be allowed to circulate in the metropolis and all over the country, until it seemed that a connected system, having for its object to pervert the public mind, and which he was afraid might in some instances have proved but too efficacious, had been acted upon? For the purpose of calling their lordships attention to this part of the subject, and showing to what a degree the duty of checking seditious publications had been omitted, he would select from a mass of other libels which had been permitted to circulate, two: one, an attack on the rights of property, and a provocation to subvert the existing order of society; the other, a libel on the person at the head of the government, and a provocation to assassination. Nearly a year ago the latter libel had been put in circulation, and yet no step had been taken to check it, or punish its publication. Among other observations the writer of this libel proceeded to state, that if the Prince Regent persevered in paying no attention to the sufferings of the people, there would be but one course for the people to pursue: they would recollect what their ancestors had done in the case of Charles; and the house of Brunswick would, like the Stuarts, be banished from the throne. The other libel to which he had alluded was in the following terms:—"We must look into the coffers of the descendants of our forefathers' oppressors for plundered wealth; we must look at the land-leviathan's hoards, extorted by excessive rentals charged upon their sweating industrious tenantry; we must examine title-deeds; we must know by what right, social, natural, or divine, they became possessed of one or other part of the property they hold; and should they rend the air with their wailings after any unjustly accumulated store, still at a breaking up of an accursed system of exclusion and privilege, justice must be the order of the day. It is said, an infinite God is no respecter of persons; then how presumptuous in man to be so? Truth will make its way; sooner or later it will come to this; for they have pawned all, they are bankrupts, and living upon the spoils, the mercy and forbearance of their creditors the people, whom they and their fathers have for ages defrauded; and when the commission opens, should they not render a true and faithful account, they must even suffer the fate of felons, and depend on the mercy of the offended majesty of the people. They may cry aloud to the property-mongers, the Mammon worshippers of the land, and the town and country gentry, that cling around the falling system, as the miser hugs, in the agonies of death, the precious darling gold to his breast, and thinks that the only source of happiness; but it will not all do; if these show any disposition to join the unhallowed band, to "fight for their property," as a rich man (a mistaken patriot) once said they would, they must even share the fate of their companions." This article had appeared in the course of last spring; the other atrocious

libel, as he had already stated, was published about a year ago. He would not suppose that it would be maintained, in answer to this observation, that a British jury would have overlooked the offence, and refused to give a verdict against the offender. Let it not be understood that he was demanding a severe administration of the laws with respect to libel, when he appeared urgent for such prosecutions. He thought that a libel which occurred from inadvertence, or at an unguarded moment, was a proper subject for leniency, and ought, in many cases, to be entirely overlooked; but when libelling assumed the form of a system, and was directed against the order of society, and the most sacred institutions of the country, he thought that the law officers of the Crown did not perform their duty, if they did not endeavour to repress it by all the penalties of the law. These officers might be able to account for their late inactivity, but he could not see the grounds on which they could plead their justification of neglecting to execute the existing laws, which might have been sufficient; while they demanded laws of greater severity, which might be unnecessary. At any rate the efficiency of the existing laws ought to be inquired into before any change was made; and it ought to be known, whether their intrinsic insufficiency, or the neglect of those who were required to watch over their execution, had allowed the evil to grow to such a height as to require the application of the measures proposed yesterday by the noble secretary of state. He recollected a time when prosecutions were instituted for much less offensive libels than those which he had read; when the editor of a newspaper was obliged to defend himself before a jury for saying that his majesty's successor would have a glorious opportunity of being popular. No conviction was obtained in this case, but the acquittal did not prove that a jury would have returned the same verdict in cases of an atrocious description. So in another instance, where it was said that lord Castlereagh had bribed Mr. Canning, or Mr. Canning lord Castlereagh (he forgot which), a jury might fairly be in doubt as to the importance of the charge. At any rate the offence was venial when compared with that contained in the passages he had read. In those passages the throne of the king was held up as an object of attack, and the property of the rich pointed out for plunder and spoliation. That a British jury would have refused to convict the author of such a libel, had he been prosecuted, could scarcely be believed.

Another topic of great importance, on which he would beg leave to trouble their lordships with a few observations, was, the execution of the law regarding public meetings. Had the conduct of the magistrates and the execution of the law, been uniform over the country in respect to those meetings? He was not disposed to deny that public meetings were differently conducted in different places, and that they might on that account be treated differently. But in many parts where they were left unmolested, those who attended them marched to the spot with banners and music in martial array, and under regular leaders; whereas these circumstances, in one case, had been declared the symbols of rebellion, and were pleaded as a justification of a forcible dispersion. Now, he would ask, were the same flags, music, inscriptions, and parade, legal in one part of the country, and illegal in another? What instructions had the noble secretary of state for the home department given to the magistrates to guide them in the execution of their duty regarding these meetings? The noble secretary had not before been slow to issue his circulars, when there was not such a necessity for his advice. How was the present abstinence to be reconciled with the former assiduity of the noble viscount in issuing his Circular to instruct the magistrates as to the course to be pursued by them with regard to the circulation of libels? Neither the noble viscount nor the magistrates could say, they were taken by surprise; they knew, long before, the nature of the meeting that was to take place at Manchester. They had seen similar meetings all over the manufacturing districts, and knew the doctrines which were inculcated by their leaders; and they ought to have determined beforehand on the course which it was proper to pursue regarding them. If ever "coming events cast their shadows before," the seditious publications to which he adverted were the natural prognostics of those meetings. Looking, therefore, at their character, and anticipating their consequences, government ought to have taken the best advice, and followed a course of conduct which would have prevented the unfortunate occurrences at Manchester. There were three important circumstances to

which the attention of the noble viscount and the magistrates ought to have been directed: 1st. It was of great consequence, that if any violence was to take place, it should commence on the part of the populace, and not on the part of the constituted authorities. 2ndly. It was of the utmost importance, if violence was to be employed, that notice of such intention should have been given beforehand, that the people might have been aware of their danger. And 3rdly, It was of the utmost consequence, that if violence was to be employed, and punishment inflicted, that punishment should have fallen on the leaders of the meeting, and not on those who were aware of no offence, and who perhaps attended out of curiosity, and from no participation in the views or objects of those leaders. Without meaning to impugn the conduct of the magistrates or of the yeomanry on that unfortunate occasion, he was compelled to ask their lordships, and beg their lordships to ask themselves, why Mr. Hunt was arrested when on the hustings, surrounded by such a multitude? why he was not arrested when on his way to the meeting—a circumstance which might have prevented it? or why he was not arrested after the meeting had dispersed, which there was every probability, it would have done peaceably? He would ask still farther, why, if the meeting was considered illegal, no precautions were taken to apprise the people of the intent to disperse it, by posting up placards over the town? If such a step was advisable in any place, it was in Manchester, where a caution of the magistrates, warning the inhabitants not to attend the meeting of the 9th, had been attended with complete success. He made these observations, not for the purpose of passing sentence on the magistrates, but as laying the foundation for inquiry; and with them he would dismiss for the present, the consideration of the affair of Manchester.

When he called for inquiry on this subject, it was no sufficient answer, that such inquiry would affect the character of individuals in highly respectable situations. Such an objection was not allowed any weight in 1717, when a riot happened at Oxford from some persons of Jacobite principles, which the troops were sent to quell. The affair was merely local, but the lords went into a committee of the whole house to inquire into the circumstances. Not many years afterwards a similar proceeding was adopted regarding the riots that took place in Edinburgh, when captain Porteous was put to death. Lord Carteret then came down to the House, and proposed a committee of inquiry A motion was made to call to the bar the magistrates who exercised authority on the occasion. In opposing this motion, several of the Scotch peers then in the House contended, that it would, if agreed to, cast a slur on the lord president of the court of session, the lord provost of Edinburgh, and the other official persons whose conduct was the subject of inquiry. On this representation the debate was adjourned to the following day, when the duke of Newcastle came down to the House, and consented to their being examined at the bar. Now, he would ask, were the magistrates of Manchester above that inquiry which was instituted in the cases of the riots of Oxford and Edinburgh? or did the state of the country then less manifestly and imperiously demand of the House to show an anxiety to watch over and enforce a pure and impartial administration of the laws? If their lordships should entertain the proposed inquiry into the administration of the existing laws, into the distresses of the country, into the cause of those distresses, and the means of removing them, they might, with the best grace, if found necessary, pass the measures of coercion before the House. If, after inquiry, such measures should be thought indispensable, they would, though harsh and severe, be received with acquiescence, and submitted to without murmur; but if inquiry were refused, the proposed laws, though good in themselves, would fail in producing the desired effect. The noble viscount last night strongly expressed himself against concession. If, by saying he would not concede, the noble viscount meant that he would not yield to vague claims, insolent demands, or irritated feelings, he would concur with the noble viscount, and declare likewise against concession. But he was willing to concede what could not be withheld without injustice—he was willing to concede the important benefits and privileges of the British constitution. One of these was, a parliament prepared to hear the complaints of the people, and inclined to redress them; disposed to inquire into their grievances, to listen to their petitions, and to satisfy them, that if restraints were imposed, they were only imposed on the ground of necessity. It

had been said from the throne, that their lordships had great duties to discharge. Their lordships would best discharge some of those great duties by endeavouring, by measures of conciliation, to remove any distrust that might exist between the people and the legislature, and by endeavouring to gain the attachment of those whose rights they were bound to protect. The noble marquis concluded with moving, "That a select committee be appointed to inquire into the state of the country, and more particularly into the distresses and discontents prevalent in the manufacturing districts, and the execution of the laws with respect to the numerous meetings which have taken place."

The Marquis of *Wellesley* expressed his full sense of the praise that was due, and the importance that must attach, to the able and statesman-like speech of the noble marquis who had just sat down—a speech distinguished by those comprehensive views, and embellished from those sources of literature with which his mind was adorned, and which rendered his eloquence and opinions entitled, upon all occasions, to the attention and respect of the national council. After, however, following the noble marquis as closely as he could through his eloquent address, he thought it amounted to no more than this—that in all the complicated and varied perils of a state, the causes of those perils must be of a complicated and various nature, and the remedies must likewise be complicated and various. But this was not the question now to be solved. The question, in all cases of threatened danger to the institutions of a country, would be with all able statesmen, and all great and wise states, what was the paramount duty of the hour? The noble marquis had said, with an eloquence and manliness characteristic of his accomplished mind, that violence must be subdued by force, and sedition repressed by law; but that their lordships ought to inquire into the cause of that violence which must be so subdued, and of that sedition which must be so repressed. In every word of this he entirely agreed with the noble marquis; but the question to-night was, whether, though much violence had been done, worse violence was not intended—whether sedition was not in existence which had not yet been put down by law—whether we had not arrived at that state of constitutional danger which called for exclusive consideration—whether we had not before us that case of violence which must be coerced, and of sedition which must be encountered and extinguished by law? This was the real point at issue, and to have it settled, he had only to appeal to a few facts. Why was parliament now assembled, if peril and sedition did not exist? Parliament was now called together for its own preservation—not in the narrow, limited, selfish, meaning of the term, as it had self-interested privileges to maintain with which the people had no concern, but in the general and important sense of preservation which was implied when the constitution of parliament as an essential part of the constitution of the country was menaced. It met to exercise the first of all the duties and all the rights of a state—that of maintaining the public security from violation and ruin. The noble marquis, in a part of his speech, had entered into a consideration of the perils which now surrounded us, and, in the course of his remarks, stated, as their cause, that great distress existed, and that a general desire of a change was felt, without being accompanied, however, with any fixed object, or regular plan. Here he was at issue with the noble marquis. He would contend, that the object was evident, that the plan was definite, well arranged, and perseveringly pursued, which pointed to a parliamentary change, the effect of which must be the overthrow of society, the destruction of the rights of property, and the demolition of the whole frame of government. The noble marquis had said, that all their lordships admitted the danger. It was their duty, therefore, to examine it, to look it fairly in the face, to see what was its character, and what were its powers, and to meet it with proper firmness. He believed that it was as extensive in its diffusion, as it was alarming in its character, and he begged their lordships to consider in what it consisted. It was of no vague description. It was a fixed and unalterable purpose, a regular and settled project, announced in all the publications of the disaffected, embodied in all the resolutions of their public meetings, and perseveringly pursued with all their energies, to effect such an alteration in the constitution of parliament as would establish universal suffrage, annual elections, and voting by ballot. Were those points on which there could be any doubt—were those doctrines which they had denied, disguised, or renounced? No. Some

years ago, their plan was more indefinite; there was a dissension among the supporters of reform, and several of them did not go the length of the tenets which he had stated. Now, they were all agreed: they maintained to a man, that universal suffrage, annual parliaments, and voting by ballot, would redress their grievances; and that unless those concessions were made, their expectations would not be satisfied, nor their grievances redressed. All parts of their plan adhered together, and if carried into execution, would be the destruction of all regular government, the destruction of all religion, and the destruction of all private property. The next circumstance in the danger was the mode in which the plan was to be carried into effect. Their publications and speakers at public meetings announced a settled design to carry their objects by physical force, but recommended, in the first place, to observe order and peace. If their projects could be carried peaceably, their adherents were told it was well; but if not peaceably, at any rate they must be carried. "We come," said they, "with our minds prepared and armed for the conquest of our rights; we would wish to obtain them mildly if we can; if not, we must resort to physical force, and our success is secured." If any man could place reliance on their professions of peace, and surrender his alarms on hearing their exhortations to order, that man must have firmer nerves than he had. No one regretted more than he did the unfortunate occurrences at Manchester. The noble marquis had said, that if the meeting had not been disturbed by the interference of the magistrates, it would have gone off in perfect tranquillity. Perhaps that might have been the case; but why? in the contemplation of times to come. With the most quieting declarations of loyalty and respect to the laws, the disaffected proceeded meekly and peaceably in their projects, boasting of their physical force without using it, waiting for the happy day and the halcyon hour when they might accomplish loyally and unresistedly their schemes of plunder and anarchy. Their peaceable and quiet demeanor, instead of lessening the danger, in his opinion ought to aggravate the alarm. He might say of them *Ipsa silentia terrent*. They became more dangerous from entertaining such disorganizing doctrines in settled tranquillity. He would put a case: — Suppose they had agreed at one of their assemblies to repeal the Act of Settlement, to depose the king, or to abolish the monarchy, would the alarm of their lordships be reduced, or the guilt of the conspirators lessened, by assurances that they meant to proceed peaceably in the execution of their projects, and that the meetings in which they measured their strength, and confirmed their purpose, passed off with the utmost quietness? In his mind, such quietness, with such designs, appeared like malice prepense, which, though concealed for a time, was more dangerous than temporary passion; and the very circumstance of their tranquillity aggravated their guilt. There was another circumstance which had been stated regarding them, as lessening the alarm with which they ought to be viewed, but which, in his mind, increased it. It was said their projects were so wild, absurd, and extravagant, that they could make no progress towards their execution, and therefore they could not be accompanied with danger. He need not tell those who had either attended to the principles of the human mind, or studied the pages of history, how much mischief had arisen to the world from practical attempts to accomplish impracticable schemes, and realize absurd theories. There was in virtue, in science, and in art, a certain point of excellence which was unattainable, but towards which the admirers of each never ceased to aspire, and in approaching which every step was fraught with improvement — every step added to the dignity of human nature. So with the arts of confusion and anarchy. They might not succeed, but they had an invincible tendency towards realization. In those wild and destructive theories which had for their object the subversion of society, although there was a point of ruin which might not be achievable, every step in the progress towards it had its evil. Universal suffrage might not be attainable; but in the pursuit universal confusion might take place, and every step towards the accomplishment of so absurd and chimerical a scheme would be but a step towards creating new mischiefs. He might apply this also to another subject—he meant, to those attempts which were made to subvert the religion of the nation. Attempts so wild and fantastical as these would scarcely enter into the imagination of any man. So frantic an opinion could scarcely enter the head of any man, as to suppose that in this en-

lightened country, where knowledge was so advanced, and where the purest religion was established, the monstrous doctrine of unmitigated atheism could be disseminated with any success. But in attempting to realize this object, although the pursuit was not likely to be attended with success, yet the very effort which was made, would tend to dissolve the purity of religion, to undermine faith, to destroy morality, and to dissolve all those bonds which bound man to man: and would it in such a state of things be any satisfaction to be told that the establishment of atheism was impracticable, and could never be accomplished? Why, then, he would ask, were such attempts to be treated with indifference? He was willing to believe that these projects were confined to a few visionary individuals; he did not believe that the whole people of England were tainted with such principles; nevertheless, he submitted that they demanded the powerful and vigorous efforts of the legislature to suppress them. His noble friend had told them, that it was very proper to inquire into the state of distress throughout the whole country. He was not disposed to deny the policy of such a proceeding at a proper time, and the expediency of applying every measure which might be calculated to remedy that distress; but was that inquiry to take precedence of those steps which the imminent danger in which the country was placed so imperiously demanded? Would it be proper to appoint a committee, the investigations of which must necessarily engage the attention of all the ability and all the integrity of the House, from hour to hour, and from day to day, at a moment when the absolute safety of the country was at stake? The noble marquis had also stated, that part of his plan was to consider the administration of justice, with respect to the enforcement of the law of libel, and whether, in their lordship's judgment, the proper means had been taken of carrying into effect the provisions of that law. This certainly was a very fit subject for their lordships attention; but was that a reason for appointing a committee before they proceeded to take into consideration the specific measures that were addressed to the immediate evils known to exist? The noble marquis surely did not mean that the bills, which had been so properly submitted to the notice of the House, were to be deferred in order to make way for his inquiry; if not, he would ask, how was it possible, if the committee were appointed, for any of their lordships who usually took part in such subjects to pay that attention to those bills which their importance demanded? He repeated, that to examination at a proper season he had no objection; but when the nature of the danger to which the country was exposed came under their view, he apprehended all other topics ought to give way to the adoption of measures for meeting that danger in the most effective and decisive manner. The noble marquis had also alluded to a subject connected with this question to which he felt himself called upon to advert—he meant the necessity of conciliating the people of England, by making some alterations in the constitution of the Commons House of Parliament.

The Marquis of *Lansdowne* disclaimed having spoken of any such necessity.

The Marquis *Wellesley*, in continuation, said, that the noble marquis might not perhaps mean to express himself to that extent; but that it was evident nothing less would satisfy the discontented. He had seen petitions forced upon the House of Commons, signed by a number of persons resident in Manchester, in which it was stated, in the true language of the radicals, that the constitution of that House, as it stood, was so great a grievance that it was thought to be the source of all other grievances; that it was for the purpose of declaring this that the meeting was convened at Manchester; and for the purpose of calling upon that House, the purity of which they questioned, to appoint a public inquiry into the causes of their distress. This was, in fact, neither more nor less than saying, "We declare the constitution to be a nuisance, which we are determined to abate; and while you are sitting in deliberation, we will continue to take those steps which we conceive necessary for its abatement." He would ask their lordships if it was at all probable that those very persons who called for inquiry would rest quiet while that inquiry was going forward? Would they not, in pursuit of their main object, the attainment of universal suffrage, continue to pursue their plans of demolition? Was it a safe course for parliament to take, to furnish them with an opportunity of effecting their purpose? Would it be safe, while these persons were engaged in enterprises for de-

molishing the constitution, deliberately to enter into an investigation of the causes of their dissatisfaction? The best, the wisest, and the most prudent course to pursue, would be, as the noble earl had so properly expressed it, "By law to put sedition, and by force to subdue violence." But was this the disposition of the people of England at large? Of this he had the strongest doubts, and he believed that the distresses of the manufacturing districts had been greatly exaggerated; but, supposing distress to exist to a considerable degree, was it because the people were so distressed that their lives were to be unprotected? Was it because the distresses of the people exposed them to the artifices of designing demagogues, who would lead them to the commission of every violence, that therefore laws were not to be created to prevent their mischievous purposes? It was true, that the distresses of the people were not to be disregarded, and no man more deeply lamented the existence of those distresses than himself; but he thought a more urgent consideration presented itself to the House, and that was, the importance of adopting measures calculated to repress that spirit of violence by which the peaceable and respectable part of the community was at present threatened. It would, indeed, exhibit an inexcusable absence of that vigilance which the trust reposed in them demanded, if they were to shut their eyes against those scenes which were daily exhibited in the most populous districts of the kingdom. He did not mean to contend, that the bills which had been submitted to the House by his majesty's ministers were of necessity to be adopted; nor did he mean to contend that they did not require due deliberation; on the contrary, he thought it was fit they should be viewed with every prudent caution, and that the talents and the experience of the noble lords by whom he was surrounded should be applied to their improvement, if improvement were necessary, or to their alteration, if alteration were conceived expedient; but he apprehended, that the true course of wisdom would be, to suffer them to take precedence of all other measures, so that an effectual check might be given to those mischiefs, from which there was at present so much reason to anticipate consequences of the most afflicting character. Among other causes of alarm, and not the least prominent, were the meetings which were unfortunately so prevalent. He did not think that these meetings could be called the meetings of the people of England. He had too much respect for the people of England as a body, to suppose that they were actuated by similar motives to those which distinguished the generality of these assemblies. He considered them altogether as a wretched Babel, as a set of vagabonds, who met, not to deliberate and to examine into supposed grievances, not to discuss the question of reform, but for the purpose of ascertaining what force they could apply to that atrocious object which they had in view—the subversion of the constitution, and the substitution of those wild and fantastical theories, by the detail of which that House had been so repeatedly disgusted. It would, indeed, be the prostitution of language to characterise such wretches as the people of England—a people who had justly excited the wonder, the admiration, and the envy of the world. To call them the people of England was but a trick—a decoy, for the purpose of alienating the affections of those who were suffering under a temporary distress, from their sovereign, for the purpose of promoting a system of wickedness, fraught with the most terrific consequences to society, and for the purpose of destroying all that happiness which the people of this country were capable of enjoying under the blessings of their glorious constitution. This was the character of the meetings which he had been attempting to describe—meetings which, he would repeat, were calculated, unless suppressed by parliament, to sap the spirit of loyalty, of morality, and of religion, and altogether to subvert our laws and our liberties. Such meetings had justly been described by lord Holt, not as an assault upon parliament, not as an assault upon the state, but as an assault upon the people themselves. Could the liberties of England be said to be supported or promoted by the vagrant licentiousness of such men? Their conduct was, indeed, a libel upon the character of British liberty. The liberty of the subject was most opposite to that which these persons were ambitious to enjoy. He was a warm advocate for the liberty of the subject; but by this what did he mean? He meant the liberty of those who were subject to the laws of their country; of those who were subject to the religion of their country; of those

who were subject to moral restraint; of those who were subject to the constitution of the state; of those who were subject to all those principles upon which British liberty, as distinguished from that which, existed in every other part of the world had been pillared and founded; and which if maintained in its purity, must bid defiance to every attack, however violent, but if not, and the radicals were once allowed to lift their heads, *radice in tartara tendit*. He thought it their lordships duty to proceed with as much despatch as possible to the consideration of the measures which had been proposed by his majesty's ministers; and with great respect to his noble friend he must therefore declare his conviction that the subjects proposed by his noble friend's motion ought not to precede that consideration.

Lord *Erskine* said;—My lords, I have listened with great attention to the very eloquent speech of the noble marquis who has just sat down; and if I could at all agree with him in the facts which he assumes, I should not be disposed to differ from him, either as to the dangers which surround us, or the duty imposed upon the House for the public safety; neither should I differ from lord Holt as to the powers of the magistracy, when the state is in imminent peril, or the peace dangerously broken. My opinion is, that they are amply sufficient, as they have been found for ages; and that if they are defective they ought to be amended. But the difference between us is upon the facts, and not upon the law; supposing however the proposed bills to be necessary, and necessary without delay, surely the proposal of my noble friend would not at all delay that consideration. The bills might be considered in their ordinary progress, without at all clashing with the important objects to be considered by a select committee which you are called upon by the motion to embrace, and which, on the very first day of the session, ought in another shape to have been our earliest duty.

My lords, I am now an old man, and have been nearly forty years in parliament, yet I declare solemnly that I never felt more unqualified regret for any proceeding in it, than at the rejection of the amendment proposed by my noble friend, and so eloquently pressed upon our attention on the first day of the session. If your lordships had fortunately adopted it, you could have had nothing further to consider on this painful subject, and would have escaped the double error of rejecting the proposition of the noble marquis to-night, which I cannot but painfully foresee. You would then have had an unanimous parliament, pledged by the address, and not at all touched, but on the contrary confirmed and strengthened by the wise addition proposed to it; you would have had this unanimous parliament, reprobating all seditious combinations, calling upon both magistrates and people, by the combined authorities of the state, to support the constitution and to maintain public order and tranquillity. In all this, the amendment concurred with the address, and asked nothing more than that the people should not be condemned unheard, and that whatever might have been the extent of individual indiscretions or offences, or of a disposition to disturb the government, the offenders might have been withdrawn from dangerous and impracticable courses, by our showing them, that whilst we were bound in duty and firmly resolved to enforce obedience to the laws, even by military force, when necessity demanded the painful resort to it; yet that we were equally bound, to suffer no excess or abuse of it, equally determined to protect the people, and, sympathising with their sufferings, to exert the whole authority of the state to arrive at the real truth of the blood shed at Manchester, so as to see that the ends of justice should be accomplished. I am convinced, my lords, that if you had pursued this course which my noble friend recommended, you would have done more to tranquillize the country, and to bring back the affections of the disaffected, than all the laws you can pass, and all the prosecutions by which you can carry them into execution. I have had many more opportunities of knowing the sentiments and feelings of those who are classed as seditious subjects, than most of your lordships can have had; and it is my unalterable conviction and belief, that a system of alarm, supported by mysterious green bags, and the array of special commissions, followed as they have been, and will be, by convictions not sufficiently numerous to inspire terror, only exasperate evils, the unfortunate existence of which I lament as much as any of your lordships. He must surely be a total stranger to the long-proved characteristic of the British people, to their loyalty, in more recent and perilous times, and, above all to the fortitude and patience with which they are bearing at

this moment, unexampled privations, not to be convinced, that even if your inquiry were sure only to confirm the opinions you act upon, and would publicly condemn those you have condemned without hearing, it would exalt your authority, and bring back those who from error only had opposed it. My lords, a systematic indulgence at this moment would place our government as upon a rock, and sedition against it would be trampled under foot. Take my word for it, there is no other course by which affection can be cultivated, and contented obedience secured—tranquillity may be enforced by severity, and turbulence be made silent, but it would be a dangerous silence.

Nevertheless, my lords, I do not wish to go beside the question before the House, nor to deny, that we might have had a very different duty to perform, if we had materials before us to establish that a widely extended conspiracy existed to overthrow the government, that overt acts of rebellion or of dangerous sedition had been committed, and that the proceedings at Manchester, which we have sought as yet in vain to investigate, was a manifest branch of that treasonable combination; but what materials have we to pronounce this judgment? Certainly none at all. That multitudes led by evil minded, but more probably by ignorant persons, have clamoured for unfit, impracticable changes in the constitution I readily admit, and that they have held meetings so absurdly numerous as to render disorder probable and dangerous, and I admit that the meeting at Manchester was one of them, but does the papers laid upon the table which I now hold in my hand bear us out (or any thing like it) in more than I have described; does it warrant us in believing that a treasonable conspiracy was then on foot. His majesty's ministers may have farther information which they may think right at this moment to conceal, and which on their own responsibility, they may give credit to; but your lordships can only act upon the materials before us; and it appears to me very strange how the noble marquis who spoke last can have collected from them the desperate state of the country as he has described it. The Manchester magistrates, even at so late a period before the 16th of August as the 1st of July, tell the secretary of state, "that they cannot state any specific facts on which legal responsibility would attach to any individual," but they add, "that though they cannot sufficiently applaud the hitherto peaceable demeanor of the lower orders, yet they do not calculate on their remaining unmoved." Are these facts to proceed upon as portending a revolution, more especially as the magistrates immediately afterwards expose the fallacy of their own apprehensions, since the Birmingham meeting went off to their "perfect satisfaction," as they themselves express it, "breaking up before 7 o'clock without any breach of the peace;" and they say, that "women and children were a great proportion of the crowd." The meeting at Hunslet moor was also equally quiet; and when the one advertised for the 9th of August, which afterwards took place on the 16th, was declared to be illegal by the magistrates, they gave it up, and it did not take place. These are all the public meetings, or other acts that are mentioned in the papers on the table, showing undoubtedly tumultuous assemblies which ought to be suppressed, but reflecting great blame on the magistrates for not using the powers already vested in them by law, for their safer and earlier dispersion. On the part of the multitude there appeared no disposition to a forcible resistance. On the contrary, as I have just observed, when they were informed by the magistrates, that the meeting projected to be held on the 9th of August would be illegal, it was abandoned. This was known to the Manchester magistrates, who had also full knowledge of the meetings held at Birmingham and other places, and who had themselves prohibited the meeting on the 9th of August with effect. Why then, I ask, did they not take the same steps, or stronger ones if necessary, to prevent the one in question from taking place, though they saw it publicly advertised; and having failed in that salutary precaution, why did they not, when they saw numerous and concentrating masses of people advancing from different quarters to form a junction on the margin of so populous a city as Manchester, why did they not station a numerous body of peace officers and constables, supported by the yeomanry or other troops at their command, at the mouths of the different avenues through which this junction was to be formed, before an assemblage could take place which they considered to be so dangerous to the public peace? What possible excuse can be made for this omission? They cannot say, that they thought the powers vested in them by law

were insufficient for that useful purpose. Their subsequent conduct, on the very same day, when they authorised all the violences which were committed, sufficiently prove that they had no idea of any such defect in their authority, when without necessity they so notoriously overstepped it, yet now contend that they did not. Surely the Riot act itself was a sufficient authority safely to have effected the dispersion of an assembly which their own negligence had swelled to such an amount.

I distinctly admit, that when overt acts of felony or destructive mischief are committed, every man is a magistrate, and may repel force by force; but no overt act of felony or mischief had been committed or threatened when the yeomanry were directed to rush upon this defenceless multitude, with women and children in their path. But even supposing that so much danger was apprehended by their not dispersing within the period appointed by the statute, why, as has happened in many instances in London—why did they not advance upon the people firmly but slowly, and push them back? What colour or excuse for sabring right and left this unarmed multitude? Is this the law, my lords? [Here lord Erskine quoted a passage from lord Holt.]—The statute only declared them felons, if an hour had elapsed; and they were then only subject to indictments, but not to be cut down as in rebellion or battle, unless such acts were committed as to take the case out of the Riot act, and out of all other laws and statutes, when property and even life are to be defended and secured. But no such case appears from the papers before us, whilst the agitation of the public mind upon a transaction so visible and public, made known to us by petitions from so many quarters, affords a strong presumption of an invasion of public liberty, which it is the duty of parliament to resist and to punish. Your lordships must forgive me for not immediately taking for granted the truth of every thing collected together and laid upon the table of this House. In the year 1794, your lordships prepared and published a report which declared, that a conspiracy of a far different and more perilous description, was on foot;—no less than the formation of a traitorous convention to overthrow the government; and the same proceeding took place in the House of Commons also. I make no question that parliament gave full credit to the facts which it so reported and made public. It is not my practice to impute to others what I should be ashamed to do myself. Yet, what was the result when the prisoners accused of all this, were arraigned and brought to trial? Nothing more than that many seditious libels had been written and circulated, and many misdemeanors had been committed by people for the most part strangers to one another; but no traitorous conspiracy was found to have been either formed or contemplated.

Compare, however, my lords, the evidence so collected and reported by the two Houses of Parliament with the papers now before the House. The last, my lords, could not be gravely opened at the Old Bailey to convict any individual for more than *perhaps* having been present at an assembly, arguable to be illegal.—What evidence have we here to support the charge of a traitorous conspiracy—or, properly speaking, of any act whatsoever? Only the affidavits of A. B. C. and others their companions. I have not been accustomed to deal with those alphabetical witnesses, though I am obliged to confess that when I came to O. P. I thought that there must have been a riot. But to speak *gravely*, I do not find fault that names do not in general appear to these informations—the reason for which is fair and obvious, and I have no doubt that they are the declarations or oaths of individuals who, for any thing I know to the contrary, may be worthy of credit; but I have no way of cross-examining the letters in a spelling-book; I must see witnesses *face to face* before I can pronounce upon any facts that they depose; and that appears to be an additional ground for granting an inquiry into the whole matter which may be made the foundation hereafter of important changes in the laws. But, taking the papers as they are, without any such objections, what do they contain beyond the very imprudent and improper collections for any purpose however legal, so manifestly dangerous to the public peace. Mr. Taylor and Mr. Nadin, whose names are subscribed to their depositions, inform us, that when they came to examine those formidable trainers as to the objects they had in view, they answered that they were practising so as to be able to march with the band at the Manchester meeting, and upon the whole evidence this appears to have been the truth. Was it a crime, then, to appear to have an ear for music, and to keep the step?

It is true that numbers—greatly increasing as the public burthens have accumulated, have maintained and still contend for universal suffrage, as a vested right which I hold to be absurdly preposterous; but what then? It is no kind of evidence that they are traitors, or rogues, or vagabonds. Was the duke of Richmond a traitor, who may be said to have been the author and the strenuous advocate for this system? Was Mr. Pitt a traitor, who so nobly distinguished himself in that cause? [lord Sidmouth said across the House, that Mr. Pitt had never supported universal suffrage] Lord E. said, I dare say not; my noble friend must better know it; but he acted with and was supported by those who then were friends to the most extended representation.—Was Mr. Sheridan also a traitor; Mr. Sheridan the invaluable supporter of government in the most awfully trying times?—Is it fair in short to consider every tumultuous meeting in support of any kind of reform as proof of a traitorous disposition? It is to *overt acts*, and not to *opinions* we must look, when criminal charges are to be made. There were no such overt acts upon the 16th of August, and nothing can be more affecting than the sufferings of many who, from mere curiosity, were present; yet no regret for this was to be found in the speech from the throne.—I am aware that your lordships sitting here in parliament can only consider the Prince Regent in his public capacity, and I may perhaps therefore be out of order in expressing feelings which regard him as a private man; but, having been in his Royal Highness's service from the beginning of my public life, and under many personal obligations, I cannot but be much affected by any thing which personally concerns his honour and reputation. Why then, my lords, did not his majesty's ministers, even supposing them to have been justified, which I deny, in sanctioning the acts of the Manchester magistrates in the Prince Regent's name, why did not they in the speech to be delivered from the throne, introduce the strongest expressions of sorrow for the melancholy sufferings which unquestionably had taken place, from whatever cause they proceeded.—The higher orders undoubtedly well know, who are acquainted with the forms of parliament, that the Prince Regent's speech no more proceeds from himself than from the porter at Carlton-house; but the lower orders do not know this, and it is notorious that many injurious remarks have proceeded from this omission, and that his Royal Highness may thereby have appeared to the multitude as dead to those humane and good natured feelings which have been his Royal Highness's characteristic when occasions have called them forth.

To conclude, my lords, I lament that new laws are to be enacted, when, if all the facts were before your lordships, it would appear that not only the existing ones are sufficient, but that their authorities have been wantonly exceeded and abused, whilst, at the same moment, they are unaccountably suffered to sleep when they most ought to be exerted.—I have seen within a few days, not only in the shops of booksellers, but in others of all descriptions, a placard announcing for sale the Mock Trial of Mr. Carlisle, and in large letters, "Infamous Conduct of the Judge," whose lenity was carried throughout the trial to the utmost limits of indulgence.—Surely, my lords, libels of this description should not pass unpunished; yet they are suffered to corrupt the public mind with impunity, whilst you are about to pass new statutes, instead of carrying those you have into execution. It is this negligence which is the parent of offences. Execute the existing laws with promptitude and vigour, and it will be quite unnecessary to enact transportation for a libel—a punishment unknown to the constitution.

The impolicy of imposing new restrictions on public liberty we shall very shortly, I fear, have but too many opportunities to consider, and I shall therefore pass it by for the present. I shall content myself with only saying, that they never can restore confidence, nor willing obedience to government—confide *yourselves* in the people, and all murmurs and discontent will be at an end. For my own part, whilst I have life and strength, to raise my voice, I will continue to protest against them *here, and every where;* I will not repeat with the same oath what I said in the House of Commons when similar restrictions were in agitation, but I will say firmly, that I was born a freeman and will not die a slave.

Lord *Grenville* rose, and spoke to the following effect:*—

My Lords;—The admission with which

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my noble friend who opened the present question; commenced his temperate and able speech, relieves those who may follow him in this debate from all necessity of expatiating on the painful circumstances of our present danger. He sees and acknowledges its existence; he is deeply sensible both of its magnitude and its urgency; and the glowing colours in which he has represented our present situation, must have made the strongest impression on the minds of all your lordships. For myself, unquestionably, need not say what is my own conviction on this subject. Often has it been my painful duty to express, in this House, the continued and increasing anxiety with which I have regarded the attacks unceasingly directed against the whole frame and fabric of our government. Often have I laboured and laboured ineffectually, to impress these feelings on the minds of others. My apprehensions have been considered as visionary, originating much more in a fond and solicitous attachment to the interests which I conceived to be endangered, than in any just view of the actual condition, or future prospects, of my country. And would to Heaven that it were so! Joyful indeed would this hour have been to me, if I could now rise and confess my error; if I could say to those from whom it has been my misfortune to differ on these questions, "My apprehensions were vain; your security was well grounded."

The reverse unhappily is true. During a large portion of a long public life, now closed, I have watched the destructive tendency of these revolutionary projects. —I have marked their unremitted activity,—their growing confidence,—their extended influence,—their fast advancing progress. But the evil has outrun my apprehensions. Never, at any former period, has it presented so fierce and menacing an aspect; never yet has it so imperiously required, from the wisdom and firmness of my country, the most immediate, vigorous. and determined resistance.

It is this persuasion which alone induces me; it is this which irresistibly compels me, contrary to all my expectations and all my wishes, once more to solicit your indulgence in the discharge of duties which I thought had been for ever closed.

Let me, then, in the outset of these deliberations, entreat your lordships continually to bear in mind that the mischief against which we are now called upon to defend our country, is not merely of the present day; no, nor of the present year. Its true origin must be traced much farther back,—its real causes must be sought much deeper,—its remedies must be applied with a foresight and policy extending far beyond that presure of temporary distress to which alone my noble friend is willing to ascribe it. Even in the course of this debate, your recollection has been called to those measures which, in the year 1795, now nearly five-and-twenty years ago, it had already become necessary to adopt for the defence of our laws and government. And it was then that Mr. Burke declared, and he has consigned the sentiment to posterity in his immortal writings, that the grounds of that necessity did not originate among us even with the French Revolution, although that terrible convulsion of the world did, undoubtedly call them forth, increase them, and give fresh vigour to their operation.

In what manner your security was then provided for, and how it was maintained during the long and arduous contest which ensued, I will not now detain you by examining. We all remember, that from the happy restoration of peace increased confidence was felt, increased assurance drawn by many, for the permanent and undisturbed continuance of our domestic tranquillity. From that very date the mischief has on the contrary been constantly increasing. Every successive period, down even to the moment in which I now address you, has brought us only fresh menace, augmented violence, more open and more ostentatious defiance of the public authority in all its branches. And I now call with earnestness on all who hear me, to reflect, how rarely the history of any country has exhibited so rapid a progress of such a danger within so short a time!

Unquestionably, when such designs are entertained, and such projects are pursued, the distress of any part of our population must always give great opportunity and advantage to the promoters of sedition. It is the most powerful engine by which they can operate; the stimulant, by which they inflame the passions of the ignorant, and drive their deluded victims on to acts of desperation, which, instead of alleviating, can serve only to aggravate, and to prolong their

difficulties. But occurrences like these are the instruments, not the causes of the mischief. Much of this evil exists where these distresses have had comparatively little operation. Many are most forward in the sedition whom the pressure has least affected; while those on whom it has most severely borne, have, in many cases, conducted themselves with exemplary patience and resolution, untainted by this pernicious contagion, obedient to the laws, and inviolably attached to those institutions which have so long been the glory and happiness of Englishmen.

If then it were possible, by any measures within the reach of human legislation, to alleviate their difficulties; if, by any operation of law or government, we could hope to mitigate the present distresses of our manufacturing population, most readily would I enter on the discussion of any such proposal, and most earnestly, I am sure, would it be pursued by parliament. We all deplore, in common, these melancholy effects of causes which we cannot control; we deeply sympathize in the afflictions of our fellow-subjects; and not our interests and and policy alone, but every higher feeling which animates the heart of man, would lead us to embrace with joy, and to follow up with perseverance, the remotest expectation of contributing to their relief. Even those general principles of legislation to which we are most bound to adhere, because by them the permanent prosperity of the whole community is best promoted; even these, I would consent, on such an occasion, to disregard for a time; could I be persuaded, that in that course an effective and adequate remedy could be found against the present pressure.

But my noble friend, in the very act of proposing such an inquiry, has but too well enabled us to judge how little real benefit we can derive from its result. He felt too justly what belongs to his high rank, and still higher station, in this country; he followed too closely the dictates of his own exalted and honourable mind, to countenance those vague and groundless insinuations, which, not indeed within these walls, but in popular assemblies, and in seditious publications, have been profusely poured out against the British legislature. He condescends not so to delude the multitude. He imputes not to parliament the blame of events which are beyond the control of man; nor does he charge upon his political opponents the neglect of a duty, which he well knows that no government, and no legislature, could possibly perform. He has stated, on the contrary, in the language, and with the science, of a statesman, the true causes in which he considers the pressure to have originated; causes far removed from affording the smallest grounds for any such imputation. And he has, with no less candour than ability, distinctly enumerated the only measures to which, in his judgment, this House could even now resort, with any hope of rendering our interposition honourable to ourselves, and beneficial to our country.

Through these details I will endeavour shortly to follow him. The interest of the subject will apologize for what may be tedious in the discussion.

With respect, then, to the origin of the present distress, we must, no doubt, in some degree, ascribe it to temporary causes of depression, to which so complicated a system of commerce and manufacture must always be liable. The products of our industry cannot be so exactly calculated as never to exceed the demand for them; nor do the markets themselves remain unaltered. Fashions vary, other productions enter into successful competition with ours, and the occasional distresses of foreign nations lessen their powers of purchase and consumption. It is then that the necessity of transferring capital and labour to more profitable employment becomes urgent and difficult. Hazardous and groundless speculations are made; and even the most skilful commercial enterprises are affected by disappointments and embarrassments, to the production of which they have in no degree contributed.

But in any more permanent view of our present situation, nearly all, I think, that my noble friend has stated, and certainly all that I should venture to press upon your attention, may be referred to the operation of one general and leading principle of political economy. In peace, and under the happy influence of domestic tranquillity, the capital of every civilized community, especially if permitted to find for itself its most profitable employment, tends naturally to increase in a more rapid proportion than the population; and the effect of this its augmented and growing preponderance, is felt in the correspondent increase of all which constitutes

national prosperity. But it operates most immediately, and visibly, to the benefit of the lower classes of society. It is by the application of capital alone that any employment is ever found for their industry; by augmented capital, additional employment is provided; and hence again arises a new and growing demand for labour, and a continually progressive improvement in the reward and the condition of the labourer.

The tendency of war is, in all respects, opposite to this; especially of such a war as that which this country, in common with every other European state, has recently and unavoidably been compelled to sustain. In war, large amounts of capital are continually and utterly destroyed. Much is also diverted to channels of employment, wholly or comparatively, unproductive; from whence, on the return of peace, it cannot again be transferred into its natural course, without much difficulty, delay, and loss.

It is therefore, to a long continuance of this great calamity, that we must ascribe our present distress, and that of so many other nations, who unhappily share it with us. The implacable hostility, the inordinate and insatiable ambition of the successive revolutionary governments of France, are the true causes which have extended this, with so many other incalculable evils, to every quarter of the globe. Hence arose the call for exertions unexampled in duration and extent; the sacrifices required indispensably for national independence; and the necessity of those united efforts, by the unparalleled magnitude of which, alone the contest could have been successfully, or safely terminated. Who can doubt how much all these causes, aided also in this, and in other countries, by the unhappy error of an excessive and forced paper currency, must, in a long course of more than twenty years, have contributed to arrest the natural increase of capital, and perhaps, in some of the last of those years, to effect an actual diminution of it? But the population of our own country, instead of experiencing any correspondent diminution, has, on the contrary, during this whole period, been continually and greatly augmented. The result, probably, not only of our insular situation, and comparative exemption from the direct calamities of war, but also of the artificial and improvident system of our poor laws, established more than two centuries ago! But whatever be the cause, the fact is certain. The proportion which before existed, between our capital and our population, has been essentially varied. And the conclusion follows irresistibly. No art, no wisdom, no power of man, can make our diminished capital equally productive as before of employment and subsistence for our augmented numbers.

Where, then, shall we look for the remedy? There only, where it is placed by Providence, in the admirable disposition of moral as well as of natural causes. To the flow of the same tide which has already ceased to ebb; to those altered circumstances which now again operate in a favourable direction; to that returning and rapid accumulation of capital, which reason and experience teach us again to expect; when the science, and enterprise, and industry of a great and enlightened nation are protected in peace, and secured in domestic tranquillity.

In addition, however, to this firm and sure hope of progressive improvement, there are three measures, or rather subjects of inquiry, which my noble friend suggests for the examination of a select committee of this House, with a view to more immediate and present relief. As brought forward by him, they are entitled to our respectful attention; they would animate all our exertions if they held out any just expectation of promoting the purpose for which he proposes them.

But the first of them he does not himself recommend to your adoption, unless you entertained a hope, which neither he feels, nor can you venture to encourage. If you believed that this pressure was the effect only of some sudden and transient calamity, and likely, therefore, to be very speedily removed, you might, he thinks, be inclined to discuss the question of giving temporary aid to the sufferers, by grants drawn from the national credit, or national finance. And, undoubtedly, there have been cases of that description, where our feelings, prevailing perhaps over our better judgment, or at least overruling our general principles of legislation, have induced us so to act. But to those examples, our actual condition bears no resemblance, either in the nature or in the causes of the pressure, in its present extent, or in its probable duration. Nor must we forget what has been, even in those less objectionable cases, the true operation of such interference. Arrangements of this description, however plausi-

ble and popular, make no real addition to the wealth of the nation; they furnish, therefore, no new means of employment for its industry. Capital is not created by them, but transferred. It is for the most part diverted from that channel, in which it furnishes profitable employment to one portion of our people, and forced into another course, in which the labour which it sets in motion, is avowedly less productive to its employer, and consequently less beneficial to the community.

Touching, therefore, but lightly on this suggestion, on which he himself manifestly places no reliance, my noble friend passed to his two other more general subjects of investigation; both of them, undoubtedly, well entitled to the fullest consideration of parliament, but both, as it seems to me, extending very far beyond those bounds, which could be embraced by the labours of a select committee.

The first of these includes the whole wide circle of our finance. He would examine, whether the means could not be found of levying a revenue equal to that by which we now provide for the public faith and public safety, but collecting this amount in some mode of less unpopular or less burthensome taxation. An inquiry of almost infinite detail! To be entered upon, not in the gross, but with a careful and scrutinizing survey of each particular change which may be recommended: and even in this course, the only one in which it can be usefully pursued, leading us almost immediately to the most intricate and complicated combinations! In the present state of a revenue, composed of so many various branches, mutually bearing upon each other in almost innumerable relations, what questions of greater difficulty, of wider compass, and more hazardous decision, can be proposed to any statesman? There might, for example, taking the very instance which my noble friend alleges; there might be reason to believe, that by a diminution of duty, and a consequent increase of consumption, foreign wines might be made to yield their present amount of revenue at a lower rate of taxation. I think it probably would be so. But, for practical purposes, the inquiry must not stop here. Before this measure could safely be adopted, its operation must be deeply considered with reference to the other weighty considerations which it involves, both of commerce and of revenue. We must ascertain, if indeed it be possible to ascertain before-hand, in what manner, and to what degree, the increased use of foreign wines which we should thus promote, would affect the production and sale of the many other articles of analogous consumption, which are so important to our trade and to our agriculture, and from every one of which so large a revenue is derived.

It is far from my purpose to discourage the due examination of any such projects. The attention both of government and of parliament would be well directed to them; and never would I dissuade you from the task. But it is necessary, on this occasion, and with reference to the motion which we are now considering, to remind you of its great extent and difficulty; of the impossibility of pursuing it usefully through the inquiries of a select committee; and above all, of the utter hopelessness of looking to it for any present or sensible effect in relieving distress, or appeasing discontent.

The same remarks apply, but still more forcibly, to a similar examination with which it is proposed that this select committee should be charged, as to the whole system of our commercial legislation, susceptible, undoubtedly, of great improvement. On that subject my noble friend and I are, as I believe, fully agreed in principle. We both consider that policy as erroneous, which purports to encourage domestic industry by the prohibition of foreign commodities. We both believe that such devices, instead of promoting, have obstructed our commercial prosperity, exactly in proportion as they limit the free, and therefore most profitable, employment of capital. We are both persuaded that, besides this general mischief, these regulations directly counteract their own purpose, by narrowing the only means which the foreign merchant has both of purchase and of return; and by thus closing the market of the world against those very manufactures, whose prosperity we are labouring to advance. I will add, that in the particular case which he instanced, that of the discouragements now opposed to the import of timber from the Baltic, I am myself as much satisfied of their impolicy as it is possible to be without minute and detailed inquiry. Other errors of a similar description might, I fear, very easily be pointed out. But every session offers the opportunity of bringing these, distinctly and separately, under the view of parliament; and they

would be thus much more safely, because much more deliberately, corrected, than by any general inquiries instituted in the form now proposed, and with reference to the urgency of present distress.

For in truth there can scarcely be any subject on which deliberation is more necessary, or where greater dangers would result from inconsiderate haste. Our prohibitory code in this respect closely resembles the system of our poor laws. Both are, as it is now generally acknowledged, prejudicial to the public welfare, though the latter no doubt is by far the most injurious to our labouring population. But both are of very long standing in our Statute book; closely interwoven with all our interests, deeply grafted into our system, both of commerce and of agriculture, and in our actual condition inseparably connected even with the subsistence of a very great proportion of our people. They are both therefore to be approached only with the utmost solicitude and caution; to be touched only with the most delicate and tender hand. The same enlightened policy which now condemns their principle, the same juster views of benevolence and patriotism which have taught us to regret their establishment, teach us also that in a state of our society which they have mainly contributed to make what it now is, there can be no safety in their removal, otherwise than by a long succession of temperate and well-considered measures, uniformly, but slowly, directed to the ultimate object of a better legislation.

It is obvious, therefore, that from this source nothing is to be drawn by which present distress can be alleviated. Gradual improvement may be made, and future benefit derived. But sudden and extensive changes in our commercial code would always be dangerous, and might in the present moment lead us to destruction. They would infallibly increase the existing pressure, they might possibly aggravate it almost beyond endurance.

And let me farther remind your lordships with respect to both these proposed investigations, that their inconvenience and hazard arise not merely from the extent which they embrace, or the results to which they might possibly lead, but also from the very nature of the subjects which they propose for discussion. I am far from agreeing in the opinion which has been stated to us, that these inquiries, even if unproductive of any practical good, would still produce conciliatory and tranquillizing impressions. From such a disappointment of hopes so raised, I should fear a directly contrary effect. I know of no policy more injurious, none more dangerous to the public peace, than that of exciting, in moments of pressure, expectations which we cannot realize.

But much more is such an experiment to be deprecated, when the very questions which it involves are such as cannot even be proposed, without exciting to mutual opposition and contest many and powerful conflicting interests. We are arrived, I trust, at the end of the painful duty of taxation. If its burthen can be alleviated without affecting its produce, happy will those be to whose lot it may fall to confer so great a benefit upon their country. But without the certainty of this result let us not tamper with the revenue, nor trifle with the feelings of those who contribute to it. Unless the advantage of change be indisputable, the very proposal of change is in itself injurious.

As to our commerce, we have now the opportunity of considering, under the happy auspices of peace, how it may be most certainly, and most beneficially, extended. The removal of prohibitions, and the reduction of prohibitory duties, on foreign produce and manufactures, are pointed out by my noble friend as the best measures for that purpose. They unquestionably are so, and they are the fittest to be gradually adopted. But let us not forget that they are also, however unjustly, the most repugnant to the prejudices of every people; and the most likely to irritate and to inflame, instead of appeasing, the discontents of those classes of our own population whose present sufferings we lament, and whose feelings we are solicitous to sooth and to conciliate, by every practicable measure by which real kindness can best be manifested.

I pass then to the second part of my noble friend's motion, that which more directly relates to the internal situation of our country, and to the threatened interruption of its domestic tranquillity. On many parts of this subject, we are all agreed. If, by whatever means, either of previous preparation, or present distress, evil-minded men are endeavouring to plunge us into the unmeasurable calamities of civil discord, our duties cannot be doubtful. To our sovereign, and to our country, to the British nation, and to the whole civilised world, we are answerable

for the preservation and maintenance of our religion and morals, of our laws and government. To our peaceable and loyal fellow-subjects, we owe the defence and security of their rights, properties and lives. To the deluded victims of these machinations, we have also a duty to discharge; a duty of protection and kindness. We owe it to them, and it is the greatest of all benefits which can be conferred upon them, to rescue them, if it be still possible, from the seduction and treachery by which they are beset; and to remove from their paths and dwellings, the snares unceasingly laid for their destruction. This is the office of their true friends; their bitterest enemies are those who are labouring to inflame their sufferings into disaffection and treason.

To the execution of these great and awful trusts, let us then apply ourselves with diligence and resolution: neither disguising from ourselves the real extent of the evil, nor shrinking from the remedies, unpleasing as they may be, which it must unavoidably require. Our danger is no longer to be searched for in hidden consultations or secret conspiracies. It courts our notice, it obtrudes itself on our attention. We are daily assailed with undisguised menace, and are little removed from the immediate expectation of open violence. Let us, then, attentively review the steps which have brought us to this situation. Observe their beginnings, consider well their rapidly accelerated progress. You will find them in near conformity to all that led to the subversion and misery of France. A close and striking resemblance, a servile, yet ostentatious imitation, which it is of the utmost importance that we should forcibly impress upon our minds! If such a parallel were found, even in the remotest history, yet, of the remotest history what better use could we make, than to draw from it whatever conclusions it affords of policy or wisdom, applicable to our own condition? Shall we, on the contrary, now in the hour of our own peril, strive to banish from our thoughts and counsels all memory of this recent and forcible example! We, the nearest spectators of that dreadful convulsion, our minds still shuddering at its crimes, our hearts still bleeding at its miseries, shall we turn aside from the painful but instructive lesson, and in wilful blindness close our eyes against the prophetic mirror which exhibits to ourselves, in the progress of the same machinations, the fearful advance of the same destruction? No, my lords, let not the warning voice have been heard in vain! We have shared deeply in that widely extended calamity; the bitter draught which France prepared for herself, has overflowed into our cup. Let us at least derive from it the benefits of an experience so dearly purchased! Observe what were the beginnings of that great catastrophe; follow up its progress; mark by what course it reached its terrible consummation; trace it through subversion and ruin, through plunder and confiscation, through slaughter and massacre, till all was swallowed up in military despotism!

What first occurred? The whole nation was inundated with inflammatory and poisonous publications. Its very soil was deluged with sedition and blasphemy. No effort was omitted of base and disgusting mockery, of sordid and unblushing calumny, which could vilify and degrade whatever that people had been most accustomed to love and venerate. No artifice, no incitement, was left untried, which could stimulate the deluded multitude to the most savage acts of insult and outrage, of violence and fury, against the ministers of their religion, and the dispensers of their government and law; against all who were eminent for birth or rank, for talent or for virtue, and against those most especially who had been most distinguished as their kindest friends, protectors, and benefactors!

Who is there that is not struck with the resemblance of this picture? Who can be ignorant how closely this detestable and malignant wickedness has been imitated in our own country, how long it has been pursued, and to what a height it has now attained? You heard the papers read to you this night by my noble friend, and you shuddered at the recital. Exhortations to murder and treason, from which the heart recoils, and the blood turns back to its fountain! If these were only a few and extraordinary instances, exceptions to the general character of the publications daily obtruded on all the lower classes of your community, yet against these, no doubt, you would call down the vengeance of the law, against these the arm of justice would be directed with universal concurrence and approbation. But it is from a torrent and deluge of such mischief that you are now called upon to protect your country. The poison has been profusely scattered throughout the

land; it has pervaded not only your towns and manufactories, but your peaceful villages and farms. Its malignity is hourly increasing, and fresh activity is employed in its diffusion. This, my lords, is the true root and source of all your danger; against this, no social institutions can possibly maintain themselves; it is incompatible with all peace, all security, all public, and all private happiness. It is of power, and it openly boasts itself to be of power, to overthrow all that is now standing in this country; and to level in the dust all your prosperity, and all your glory, involved in one common ruin with the magnificent and splendid fabric of the noblest government which has ever yet provided for the welfare of any society.

In this unbounded licentiousness of an inflammatory press, pointing continually the poisoned weapons of sedition and blasphemy against all that constitutes human happiness in present possession, or in future hope, shall we content ourselves with asking, as my noble friend has done, why the voice of the law has been silent, and the terrors of its arm unnerved? We must now, indeed, all regret the too sparing exercise of powers, which our ancestors had, with more provident wisdom, interwoven into our constitution; we must lament the too reluctant discharge of duties, of which no discouragement could ever justify the dereliction. But we must also confess, that this forbearance is of no recent date. Indulgent as your laws have been, in all that affects this subject, their execution has, for a long time back, been yet more tolerant, even of acknowledged wrong. And happy is that condition of society, in which the mildest laws may, without injury to the public interests, be still more mildly administered! This had been our fortunate situation; and this, in consequence, had been our practice. May both speedily return to us! Soon may we again be enabled to boast, as Englishmen, not only of the unexampled freedom of our press, but also of its comparative exemption from those enormous evils to which such freedom great as are its benefits, does, in its abuse, open so wide a field. But such, unhappily, is not our present state. We feel, too sensibly, its altered character. I speak it with the deepest affliction; lamenting the change which I have witnessed, and deploring the necessity to which it leads. But we must not forget, that it is to the actual condition and exigencies of every society, that its legislation must conform itself, and that when new evil arises, it must be met by new remedies.

When this current of mischief, uncontrolled, and bearing down before it every barrier of public authority or law, had thus far succeeded to sap the foundations of civil society, what next ensued? The next step has been the same here as in the French Revolution. The formation of local societies, clubs and unions, of various description, sedulously contrived and organized, for the diffusion of these impious and destructive doctrines, by frequent and familiar intercourse, and for the establishment of an extensive concert and co-operation in the prosecution of the only practical results to which such principles can lead.

And when at last, by the unremitted effect of all this seduction, considerable portions of the multitude had been deeply tainted, their minds prepared for acts of desperation, and familiarized with the thought of crimes, at the bare mention of which they would before have revolted, then it was that they were encouraged to to collect together in large and tumultuous bodies;—then it was that they were invited to feel their own strength; to estimate and to display their numerical force; and to manifest, in the face of day, their inveterate hostility to all the institutions of their country, and their open defiance of all its authorities.

The question therefore on which we are now compelled to deliberate is nothing less than this, whether parliament shall continue to disregard this fast accumulating panger, conscious of its progress, and certain of its inevitable tendency; or shall oppose to it a vigorous and effectual resistance, before it reaches the gates of the sanctuary, and shakes the pillars of the commonwealth?

If, indeed, this resistance be not now made, one other period only of resistance can remain; that in which the evil shall have reached its last stage, shall have assumed its last hideous form of open insurrection and declared rebellion. Then, indeed, it will be resisted, and I have no doubt effectually. The British nation is not of a character to suffer its government to be overwhelmed by a tumultuous populace, by whatever artifices excited against it. The great and enlightened body of the inhabitants of this country, the people of England, truly so called, will never submit themselves to see, by the effect of

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such machinations, their laws subverted, their property confiscated, and their lives made the sport and prey of some ferocious and sanguinary demagogue. But to meet and to subdue the danger, if once suffered to assume this shape, force must be opposed to force. Recourse must unavoidably be had to those means of repression and defence at the thought of which every British heart bleeds. I will not dwell upon them; the task would be too painful. Sure I am that the bare imagination of such a contest, aye, and the very circumstances with which success itself must be attended, will be the strongest of all inducements to urge and to compel your lordships, by provident and timely interposition, to avert that dreadful, but otherwise inevitable necessity.

The resistance which you may now make is of a very different character; resistance by law; by the authority of the legislature; by the intervention of the civil government. Can it be doubtful which we should prefer?—But the crisis is arrived in which this option must finally be made; the decision must now be taken and must now be acted upon. If it be still postponed, the choice may probably no longer rest with ourselves. And yet, placed as we are in such circumstances as these, deliberating on the exigencies of such a moment, in what manner is it that we are advised to commence our measures for the repression of those enormities which threaten to involve us in civil bloodshed? By suspicion and distrust, directed not against the authors of the mischief, but against those by whom it has been hitherto successfully, though imperfectly counteracted: by inquiries into the conduct of our magistrates, and of those who have supported them in the discharge of their painful duties. Shall we accede to this proposal? Do we wish to debilitate all our efforts; to cast away from us our readiest and surest resources; to undermine the best bulwarks of our defence; and to shake to its foundations all hope of mutual confidence, and united exertion? If such were our desire, most powerfully would this course contribute to its accomplishment. My noble friend, I am certain, has no such wish: far, very far, is it from his intention to produce so great an evil. I am well assured of it. But I am not the less convinced that such would be the unfailing consequence of your adopting this suggestion.

For I entreat your lordships to ask yourselves, what has been the real character, and what the immediate object of these tumultuary assemblies, to which the present motion refers, and against which your magistrates have finally been compelled to exert the full extent of their constitutional authority. Examine them in all their circumstances; mark their previous preparation, and their actual conduct; the emblems displayed, the language held, the resolutions adopted: and let it then be explained, if any such explanation can be given, for what other purpose such proceedings were intended, but for menace and intimidation,—the most powerful of all revolutionary engines, the very instruments by which in France all religion, law, and government, were levelled to the earth! To strike terror into the peaceable and well-affected; to deter them from supporting the public authorities in the hour of danger; to alarm and to dispirit those authorities themselves, and to drive them, if it were possible, to a desertion of their highest duties:—Such, and such alone, were the consequences naturally to be expected by those with whom these projects originated; and such, we are informed by the papers on our table, are the effects which have already, in some degree, been actually produced.

Hence it is, that we cannot hesitate to pronounce, as far as our present information of these facts extends, that, not only the meeting which was dispersed at Manchester, but many other similar meetings, held both before and after that event, have been decidedly illegal. Doctrines, new to my ears, have indeed been recently promulgated on this subject. The notion, wild as it is, seems actually to have prevailed in some quarters, that no assembly of any part of the people of this realm can be deemed illegal, be they armed or unarmed, arrayed or unarrayed, from whatever quarters collected, in whatever numbers, or under whatever previous or attendant circumstances; unless the fact of present violence, or, at least, the intention of present violence, can be proved against them. I have no pretensions to deep skill in the science of our law; but directly opposite is this doctrine to all which I either learnt in my youth, or have at any time since collected, either from books, or from living authorities; utterly repugnant to any lights which our own experience or history afford, and in manifest contradiction to the plainest principles, by which all civil societies are connected and up-

held. I have been taught that, independently of actual or meditated violence, every sort of menace, intimidation, and array of force, are in themselves abundantly sufficient to stamp on such proceedings the plainest characters of illegality. Every assembly held *in terrorem populi*, the English law, as I have always been instructed, does in express terms declare to be unlawful. No such menace, no such intimidation, no such array, have ever yet been tolerated under the British government. And it is among the first elements of all political science, that men combine in civil society, to obtain for themselves and for their families, not only the safe enjoyment of life, and property, and peaceful occupation, but also the full and undisturbed confidence and assurance of that safety. Banish this principle from the British constitution, establish the contrary doctrine, if any one can now be found to maintain it, and your government must thenceforth, in self-defence, assume an attitude purely military, armed in never-ceasing preparation to meet a danger perpetually arrayed against it; while your people must for the same cause, revert to the condition of savages, relying for personal security, not on the warranty of law, and the protection of a common government, but on the exertions of individual strength, or on the separate support of partial associations.

If then so many of these meetings must thus, in reason and in law, be regarded as illegal, my noble friend asks, and it is one of the first objects of his proposed inquiry, whence it arose that one alone amongst them all has been dispersed by public authority? The law he thinks should have been more equally, more uniformly, administered. On fuller consideration, he will perhaps himself be sensible, that an exact similarity and correspondence of practice on this subject is neither necessary, nor easily attainable. The interference of the magistrate with any such assembly, must always be in some degree discretionary. No two of these cases can be exactly similar; and were they so, the mere differences of place and time would still essentially distinguish them. Much, therefore, must unavoidably be left to the judgment of those who are intrusted with the public peace. And we must all feel, were it only from what we have heard this night, how painful is the responsibility which these cases sometimes impose upon them. The question is to be determined respecting each particular assembly, whether there be just cause of apprehension to men of firm and constant minds, that the public tranquillity will be disturbed, or the safety of the king's peaceful subject's endangered: a question in some of these cases abundantly clear, in others perhaps of nicer and more difficult decision. It admits of no fixed line of demarcation, no rule, no definition previously laid down. The principle is the same as in the case of an individual, who claims the protection of the law, against apprehended or threatened violence. The magistrate has there no book which he can take down from his shelf, to draw from it an unerring rule of conduct. He cannot say to the complainant, here is the precise boundary of the law: if these words were used, I can interpose in your defence; but if the same meaning was differently expressed, I have no such power. If your adversary raised his arm thus high, it was a menace, but if one inch lower, it was none: if a dagger was pointed at your breast, the law will protect you; but if it was only a clasp-knife, you must defend yourself. Our law deals in no such subtleties. The general and broad principle is unequivocally laid down: actual safety and full assurance of safety, are alike the right of all; the right of the individual, and the right of the public. It is for magistrates, and courts, and juries, to apply this universal rule to the infinitely-varying circumstances of each particular occasion.

Where such a discretion was to be exercised by so many different persons, and in so many various instances, we cannot be surprised to find some seeming contrariety both of opinion and of conduct; the result, sometimes perhaps of real differences between cases apparently similar, and sometimes of the opposite judgments formed on the same circumstances, even by the most enlightened men. The mere want of uniformity affords therefore no ground for censure, nor any presumption of misconduct. But I will not disguise my own impressions on the subject. The facts themselves are not fully known to us: we cannot therefore, speak decisively of the conduct to which they led. It does, however, appear to me that the indulgence of the magistrate has, in almost all these instances been carried to the very utmost extent, which was consistent with the public safety; and on more than one occasion, I think it has been pushed to an extreme,

productive of considerable evil. It is no light matter, to have witnessed these repeated and ostentatious defiances of law and government, even where they have not as yet been followed by actual violence. It is no pleasing recollection, that our greatest manufacturing towns, and this metropolis itself, the capital and seat of our empire, have, even for the shortest time, been placed, as it were, in a state of siege: their business interrupted, their industry suspended; waiting in fearful expectation of impending tumult, or looking for protection to troops collected with difficulty, and harassed with preparations and marches, as in the presence of an enemy.

The wisdom of this forbearance may well be questioned, though I am sure we all sympathise in the kind and benevolent feelings in which it originated. But it would be a strange perversion of reasoning to maintain, that because it had been pushed thus far, it was in future to have no limit; that because so much had been tolerated, all was thenceforth to be permitted. We have neglected the outworks, must we therefore surrender the citadel? We have disregarded the approaches of the storm, must we take no measures of security when it rages with redoubled violence? Where danger was less imminent, your magistrates had been content to overlook it. Does it therefore follow, that no menace, no defiance, no hostility, no nearer and more urgent peril, could justify their final resolution to interpose for the safety of a great commercial town, and for the tranquillity of a populous and wealthy district? If such be your opinion, the whole foundations of our government are already broken up! Let it then be openly avowed! Let us not deceive our country with the semblance of authorities which are no longer to exist. Let it be declared and known that the king's commission of the peace is henceforth to be unattended with any power, or any duty, to give protection to his faithful and loyal subjects!

Far different is the light in which these gentlemen have considered their office, and discharged its obligations. They have proceeded on the long-established principles by which it has always hitherto been governed; they have acted in conformity, I trust, and in obedience, to the laws which they undertook to administer. And is it for this conduct that you will visit them with parliamentary inquiry?

On the first night of this session, I expressed by my vote, and on such grounds of knowledge as I then possessed, my decided disapprobation of our adopting any such proceeding. Since that time I have been strongly confirmed in the same opinion. Much more has been stated to the public of these transactions: many most important and satisfactory circumstances have been brought forward, resting, as it should seem, on indisputable authority. As the facts now stand before the world, on the assertions of those best qualified to explain them, the conduct of the magistrates, who sat at Manchester on the 16th of August last, appears to me not only free from blame, but highly meritorious. And should the case be ultimately established, such as it now appears to be, I am confident they will deserve, and I trust they will receive, a complete and authoritative approbation of that conduct.

I say a complete and authoritative approbation, because I cannot at all consider in that light the letter of the noble secretary of state, of which so much has been said. Neither can I see any resemblance between that communication and the resolutions promulgated on this subject, by the meetings, held, first, I believe, in this metropolis, and afterwards in various counties throughout the kingdom. Those proceedings are, in my judgment, most deeply to be regretted. While the courts of justice were completely open to all complaints respecting these transactions: while criminal proceedings upon them had already been instituted, and were, in some cases, still actually depending, before the regular tribunals appointed for that purpose by our laws and constitution, what could be more unfortunate than the popular and extra-judicial agitation of such questions? Little real knowledge could be obtained by such meetings, even from report, of the facts most essential to the case; and great misapprehensions were likely to prevail there, as to the legal conclusions to which such facts would lead. The citizens of London, the freeholders, or the inhabitants of a distant county, could have no authority to pronounce on such occurrences; no cognizance of the crimes reciprocally imputed; no means of proof; no power either of condemnation or acquittal. Was it for them to hold public deliberations on the guilt or innocence of their fellow-subjects? Do we wish that a habit should thus be established of anticipating, by the

excitation of popular feeling, the trial and decision of accusations which our constitution has reserved for judicial cognizance? No greater calamity could possibly befal us. No other course could certainly tend to erase, not only from our practice, but even from our recollection, the sacred principles of criminal justice, and those inviolable provisions for its temperate and impartial administration, which have hitherto been the peculiar glory and blessing of our country.

Far different was the situation of the king's ministers: they had a regular and constitutional duty to perform. It would in them, have been, not only an unworthy and base abandonment of all honourable feeling, but a positive dereliction of official trust, if they had withheld from the magistrates their judgment upon the conduct pursued in circumstances so critical. That judgment they were bound to form, and they were bound to act upon it; they were responsible for it to parliament and to the laws; and it was their duty to communicate it to those whom the constitution has placed under their direction. If your lordships could doubt this principle, I would entreat you to consider the reverse of the proposition. Imagine, then, for a moment, that, instead of a reluctant interposition for the maintenance of the public peace, against a tumultuary and menacing array, there had been the most open and wanton violation of unquestionable right: that the magistrates, for instance, had dispersed by force the freeholders of their county, peaceably and regularly assembled, under the authority of the sheriff, and in obedience to the king's writ, for the choice of their representatives in parliament. Would your lordships endure to be told that, in such a case the king's secretary of state had remained silent? Would you not require it to be proved to you, that not a moment had been lost by the servants of the Crown, both in condemning and in repressing this outrageous infraction of the constitution? And if it be the duty of persons placed in such stations to convey censure where censure is due, who will be found to argue that the more pleasing duty of expressing merited approbation is alone to be withheld from them?

And in this view of the case, my lords, let me now beseech you to turn your attention for a moment from its general principles, such as I have hitherto endeavoured to establish them, to the actual situation, and real conduct, of the individuals most concerned in it: of those gentlemen who have received from the ministers of their sovereign this testimony of public gratitude, but whom it is now proposed to your lordships to hold out to the world as the first objects of your suspicion and jealousy.

If there be one among the many noble institutions of this country, which can with more confidence than any other be exhibited to foreign nations as a matter of exclusive triumph to the British name, it is the manner in which local justice is administered, especially in our counties, by the persons who gratuitously undertake that task, under the king's commission of the peace. I need not decribe, and no words could magnify, the labour, the self-devotion, the pure benevolence, the unspotted integrity, with which this duty is discharged. The fact is universally admitted; all men of liberal and enlightened minds repose the fullest confidence in the proceedings of this upright and truly honourable magistracy. The law itself establishes in their behalf, from long experience of their conduct, a presumption of pure intention, and even a favourable construction of error, such as may occasionally, though it rarely does, arise from unprofessional education, or from human infirmity.

But the merit of the individuals, whom this motion would place almost in a state of accusation, does not rest merely on this general ground of habitual and honourable service. It was explained to us in our last debate, but it is of the utmost importance to be repeated, that this duty was undertaken and performed by them in no common manner. During the course of last summer the two great counties of Lancashire and Cheshire were exposed to imminent danger of tumult and violence from the effect of those seditious and traitorous machinations of which I have already spoken. In such a situation, their security, and most especially the security of the town and neighbourhood of Manchester, required a more than usual degree of vigilance, a constant and unremitting superintendance. And for this special service, a committee was formed out of the whole body of the truly respectable magistracy of those counties. It must be remembered that the danger, though more urgent in a few particular places, was not confined to them, but was extensively and widely diffused. In such

circumstances, therefore, these gentlemen, in the same manner as all the other peaceable and loyal inhabitants of this whole district, had the deepest interest in watching, each of them over the tranquillity and safety of their own immediate neighbourhood. In a season of so much alarm, the care of their own properties, the protection of their own houses, families, and dependants, would naturally demand their constant presence, and personal exertions. But these considerations they disregarded; their houses and their families they left to the protection of their country; they assembled at Manchester; and there they continued to hold their sittings, because there was the chief root of the evil—there the scene of greatest peril—there the utmost certainty of benefitting the public by their patriotic and voluntary labours. With such feelings, and such conduct, your lordships may well believe that personal danger was the subject which least occupied their thoughts. But they also knew that there were other perils to be encountered; they could not but feel the heavy responsibility to which they would thus be subjected; they could not be ignorant, that if the painful necessity should arise of employing force for the maintenance of the public peace, no industry would be spared, no artifice, no calumny untried, which could excite the prejudices, or inflame the feelings of a humane and generous people. They were sure that their motives would be misrepresented, their actions vilified, their characters defamed. But they suffered no such apprehensions to deter them from rendering to their country what they justly deemed a most important and necessary service. They relied, first, on the uprightness of their own intentions, and on the consciousness of that pure and public spirit, by which alone they were actuated; they thought perhaps that they might securely trust to the dispassionate and impartial judgment of their fellow-subjects; they certainly looked with confidence to the honourable feelings of your lordships, and to the well-earned favour and protection of the British parliament.

In the execution of this service, the time at length arrived when forbearance could no longer be maintained. To have neglected to interpose against the dangers justly apprehended from the meeting of the 16th of August, would, in their view of honour and duty, have been a manifest violation of both, and a total abandonment of the awful trust which they had undertaken under circumstances of such peculiar obligation. They were well apprised of the nature and extent of the previous preparations made for that assembly; they were eye-witnesses of its menacing array; no doubt was left on their own minds of its real character and tendency; their apprehensions of its too probable result were confirmed and strengthened by those of the peaceable inhabitants of Manchester; their protection was demanded, and it could not legally be refused: And, had they hesitated on that day to assert and to enforce the law, he must, indeed, be a bold man who will venture to affirm that the consequences of such an error could ever have been retrieved.

The tumultuous and insurrectionary spirit which produced that meeting, was not, however, extinguished by its dispersion. There was no hope that it could be so. The mischief continued to extend itself, and the dangers in which so large and so important a district of this kingdom was thus involved, have made it ultimately necessary that parliament should be assembled to provide effectually for our common security.

In this situation we are now met. The eyes of all are upon us. There is no state in Europe which does not feel its own security involved in that of the British government. There is no individual, capable of appreciating the real interests of society,—no friend of order,—no lover of virtue,—but looks with anxious solicitude to the conduct of parliament in this great conjuncture. What, then, would be the impressions of mankind;—what would be the appearance which we should exhibit to this country, and to the world, if our first step for the security of lawful government should be to discredit and to degrade our upright and honourable magistracy? What would be thought of our wisdom,—what of our justice,—should we turn aside our eyes from the violators of the public peace, and fix them with jealous suspicion on its champions and assertors; exerting the great powers, with which we are invested for the public safety, not against the savage depredators of the fold, but against its faithful and intrepid guardians? I have heard of many instances of public ingratitude: History is full of unrequited merit,—of services repaid by oppression and injury. But, I

trust, we shall suffer no such example to stain our own records,—no such stigma to be fixed on the proceedings of this day. No, my lords! Respect the feelings of honourable men, who have well discharged an arduous and painful duty! Treat with affection and kindness those branches of the public defence, to which you are already so much indebted! Inspire them with fresh confidence in themselves, and with fresh attachment to the constitution and legislature of their country! On them is our firmest reliance; in their zeal, —in their exertions,—is our best hope of security against every difficulty which now surrounds us, and against every danger which we may still be destined to encounter.

Nor let it be said that, by refusing this inquiry, you preclude the regular and legal investigation of any error which the most zealous and adverse scrutiny can possibly discover in these proceedings. If any intemperance of zeal, in the execution even of the most justifiable and necessary directions,—if any heat, excited by tumult and contest,—if any other feelings, be they what they may, have betrayed even a single individual into a conduct unworthy of his cause, the courts are open,—the laws will do justice to all! Not twenty-four hours have elapsed since we have seen how readily such complaints were received and inquired into, and I am happy to add, how satisfactorily they were answered. By rejecting this motion you can do no injury, nothing is prejudged; nothing closed against any complainant.

Need I say what would be the effect of its adoption? You would teach the whole magistracy of your country, that, when in the hour of peril they have discharged their public duties with intrepidity and firmness, yet if unjust prejudice — if groundless clamour,—be raised against them, they must look to no protection from the government or the legislature. After all their exertions, and all their sacrifices, they must prepare themselves to meet unfounded suspicion, and harassing inquiry, to appear, perhaps, as culprits in this place, defending themselves against the vindictive malice of those very criminals, whose guilt they may have exposed and punished. Thus discredited, thus degraded, what would be their resource? They might appeal, perhaps, to yourselves against your own decision. They might remind us that the discretion which they exercise, and the duties which they perform, are committed and enjoined to them by law; by that law of which they are the ministers, your lordships the high and hereditary guardians. And they might confidently claim, from your justice, that you should suffer them to enjoy, unmolested, its full protection for their own conduct and character, while they are engaged in uprightly administering it to others. But, whatever were the result of such proceedings, never, I trust, would they be induced for any cause to deprive their country of the inestimable advantage of services which they alone can render to it. Under whatever circumstances they can be placed, in grief, in depression, in dismay, their characters assailed, their feelings wounded, their authority impaired, may there always be found a spirit in the magistracy of Great Britain resolutely to persevere in the discharge of their duties! Should that hope fail us, should it ever happen that the landed gentry of this kingdom were driven, by whatever discouragement, to relinquish their high trust, and to leave to other hands the faithful administration of our laws, and the vigilant defence of the religion and government of their forefathers, our condition would, indeed, be desperate.

Look also to another class of voluntary exertions; not less honourable, scarcely less useful. Do you wish to shake the confidence which the armed yeomanry of Great Britain now repose in the justice and gratitude of parliament? You know what efforts have been made, what calumnies employed, to inflame the passions of the people against that portion of this force which was employed at Manchester; you have seen what industry has been exerted to intimidate those individuals from persevering in their honourable service, and to deter all others from venturing to associate for the same loyal and constitutional purposes. Nor can you be surprised that it should be so. Could these objects be accomplished—could this establishment be discountenanced, this force disbanded, much, indeed, would have been done for the cause of disaffection. But still more complete, much more unexpected, and unhoped for, would be the triumph of that cause, should the conduct of this House be found to have contributed to it. Far be it from us! I trust we shall accede to no proposal that can have such a tendency. If there be

sufficient ground to impute to any man, charged with the execution of a painful duty, even a single act of wanton and needless violence, I repeat it, the law is open to all. Let the facts be legally examined, let them be judicially determined. The previous interposition of this House, in such a case, if any such there were, could operate only to the prejudice of impartial justice; but it would have the farther mischief of sanctioning those indiscriminate calumnies which have for their true object, not the conduct of any individuals, but the character of the institution itself. To that institution the fullest protection, the warmest encouragement, is due from parliament. I acknowledge that on this point I speak with strong personal feeling. I had much share in the original formation of that establishment; I earnestly promoted it both by counsel and by personal exertion; and I look back to it with unqualified satisfaction, as to one of the most useful services of a public life now brought to its conclusion. Great advantage, I say it with full experience and knowledge of the fact, did then arise from the exertions of those meritorious and patriotic bodies; and still greater we shall, I trust, derive from them in the present exigency. Nor let these benefits be considered as merely occasional, calculated only to meet the pressure of some momentary danger. A much more solid and permanent good, and of far wider influence on the highest interests of our society, has already resulted, and will I am confident, continue to result from this institution. It has habituated the middle classes of our community, under the authority of the sovereign, and with the guidance and co-operation of the magistracy and gentry of their neighbourhood, to take an active share in defending our free and happy government against all its foreign and all its domestic enemies. What can be in principle more constitutional, in practice more beneficial? It was in its origin, and it will ever be, both in its impression and effect, a pledge of mutual confidence between these different orders of the state; most honourable on both sides to those who have offered it, and on both sides most gratifying to those by whom it has been received. It has been and may it long continue to be, a strong, I trust an indissoluble link and bond of union between them, in the support of that cause which is common to us all!

And shall this be called arming our fellow-subjects against each other? No; we are arming them in their own defence against lawless violence; we are arming them for the protection of their peaceful dwellings against plunder and devastation; we are arming the people of England itself against designs, which, if they could be realised, would leave not a trace behind of all that has made the British name respected, admired, and honoured, among the nations of the earth.

On whom then does the imputation justly rest of arming our fellow subjects against each other? Is it not on those who, in the midst of peace, have lighted up among us the torch of discord? Who have deluded the ignorant, and inflamed the discontented; who have drawn aside their unhappy followers from habits of tranquil industry, to designs and practices ruinous to themselves, and destructive of the public safety; who have animated them against the very persons from whose skill and enterprise their subsistence was derived; and by instigations, incessantly repeated, inciting them to the foulest crimes, have at length, in the very centre and heart of our greatest commercial establishments, impaired the security of property, and the security of life itself!

And this, my lords, brings us back to that consideration of present and local distress with which my noble friend commenced this discussion. Whatever be the remoter origin of that distress, we all acknowledge for its immediate causes the diminution of commerce, the suspension of manufacture; the cessation of employment. And what, let me ask your lordships, what could tend more effectually than the present disordered and fearful state of your great manufacturing districts, to subject them, and through them to subject every part of the kingdom, to the continued operation of these calamities? Already you are told what is the condition of Manchester. Individuals are retiring, capitals are withdrawn, and establishments about to be transferred from that scene of disturbance and alarm. It could not be otherwise. It is of the nature of commerce to flourish only under the shelter and protection of law; its blossoms will not expand themselves, much less will it mature its fruits, except in secure and undisturbed tranquillity. It shrinks from the rude blast of power; it is instantly withered by the tempestuous hurricanes of popular commotion. Let us not deceive ourselves. Never can our

commercial prosperity maintain itself under the lawless dominion of self-constituted and tumultuary assemblies. Never can it endure the rapacious and vindictive despotism of mutually conflicting demagogues. To other shores, to more peaceful countries, to better-ordered communities, the trade and manufactures of Great Britain would, in such circumstances, speedily remove themselves. They were first attracted to this happy country by that security which our institutions alone could then afford to them; greatly have they flourished under a government, which has defended them alike from the unjust aggression of power, and from the capricious tyranny of the multitude; they would vanish like a dream at the first aspect of revolutionary terror; they would fly far away from tumult and violence, from plunder and confiscation, from massacres, and from judicial murders!

They would vanish! and what would then be the condition of your manufacturing population? What means would then remain of alleviating their present distress, what hope of terminating their future misery?

If, therefore, on no other ground; if, from no larger and deeper views of policy and justice, such as may best become the legislators of a mighty empire; yet, for the single purpose of preventing these unhappy men from aggravating and perpetuating their own distress, let me implore your lordships to step between them and their betrayers. Interpose your high authority to rescue them from this destruction. Take speedy, take effectual measures to give peace and security to those disturbed and agitated districts of your country. On peace and security depends the prosperity of all; there is no other prospect of reviving commerce to the manufacturer, no other hope of renewed employment to the artisan.

In every view which can be taken of our situation, there is but one course which you can now pursue. Do you think that present distress is the sole cause of all this evil? What, then, must be the first steps towards its removal? The discontinuance of alarm; the punishment of sedition; the vigorous and instant suppression of all that produces, and all that threatens, disturbance. Do you look to the permanent protection of your constitution and government? Then, also, must the same determination be adopted. You must give energy and vigour to the laws; you must uphold and strengthen the authority of magistrates and courts of justice; you must protect the well-affected, encourage the loyal, and animate the whole body of the British nation, by the best of all exhortations—the example of your own resolution and constancy.

And, with this opinion, thus decidedly entertained, thus unreservedly expressed, let me finish what I had to submit to your lordships on the present occasion. I little expected to have troubled you so much at length. But I have obeyed the impulse of an irresistible duty; the last, perhaps, that I may ever be called upon to discharge within these walls. Whether it will be so I know not; for, who can now anticipate the events which are impending over us? But how can I, under any circumstances, better close my long service in this place, than by an effort, earnest, however weak, to uphold the laws, and to preserve the tranquillity, of my country? With what sentiment nearer to my heart can I conclude these labours than by finally conjuring your lordships to guard, as you have hitherto done, with unremitted vigilance, with unshaken firmness, the sacred deposit of the British constitution? It has been the work of ages; formed on no preconcerted plan of human policy; resting on no delusive principles of imagined right; the happy result of a long series of unforeseen and uncontrollable events; the produce of many jarring and contending elements, combined and harmonized by the tried experience, by the unwearied diligence, and by the traditional, yet cautious wisdom of a legislature better adapted than any other yet known in the history of mankind, to promote the happiness of the community, whose interests it administers. Such is our government; the boast of Englishmen,—the admiration and envy of the world! Such may it long continue! And wise, indeed, should that man be, who hopes to improve it by the preconceived theories, and baseless speculations, of his own imagination.

Earl *Grey* expressed his sincere regret at the difference of opinion which now existed between himself and his noble friend, to whom he had been peculiarly attached, not only by the ties of political connexion, but by the more endearing bonds of personal friendship—a regret which he felt the more keenly from his

having been accustomed to look up to that noble lord with sentiments of deep delight as his guide and oldest instructor. His regret was scarcely less when he saw the noble marquis also differing from him, recollecting, as he did, the powerful eloquence which the noble marquis on every occasion had displayed, and that in the year 1817, under circumstances not very dissimilar, that noble marquis had brought to his side of the question, in the struggle then made for the constitution, all the brilliancy of his eloquence, all the strength of his argument. He felt these to be serious disadvantages; but, notwithstanding them all—notwithstanding the infirm state of his health, he felt it his duty to rise, perhaps for the last time, to fight once more for the liberties of his country. It was a duty which he would execute at any risk—which no fear of misrepresentation, no weight of obloquy, should induce him to forego. No apprehension that his opinions might be represented as calculated to endanger rather than to secure the peace of the country, of which he would hold himself forth to be as zealous a defender as any noble lord in that House, should make him hesitate in his endeavour to discharge what he conceived to be a paramount duty, by supporting the motion for inquiry made by his noble friend.

It had been objected, that the proposed inquiry comprehended too wide and extensive a field: the field was indeed wide and extensive so also were the difficulties which were to be inquired into; and to the understanding of which no close or confined investigation could be adequate. His noble friend, in his statesman-like speech, had stated his objects so distinctly and conclusively, that he should only weaken the subject by attempting to add to it. He therefore would not go into that part of his argument which related to the financial condition of the country, because, much as inquiry was there necessary, yet another subject pressed so much more immediately, and occupied so much more intensely the public mind, that he should now confine himself to a consideration of that branch of the question—the internal situation of the country. On a former occasion which had been more than once referred to, he had certainly acknowledged the difficulties and dangers of the country to be very great. All seemed to be agreed upon this point; and it was with reference to the causes of them that the main difference of opinion existed. His noble friend who last spoke had maintained, that distress was not a sufficient cause of the existing evil. He differed from his noble friend entirely. The cause of the distress itself might be doubtful; but that that distress was the main and operative cause of the disturbed state of the public mind, was proved by evidence which the senses could not reject—was proved even by those scanty papers—[Hear, from marquis Wellesley.]—he must repeat that epithet, though it seemed to give offence to his noble friend—was proved even by those scanty papers which had been laid upon the table with so much parade. What was the language of those papers? The very first of them, dated so far back as the 1st of last July, and which it should be remembered was received by ministers before parliament was prorogued, and which, though stating the existence of danger, and its cause, ministers had not thought of sufficient importance to lay before parliament, or to propose for consideration any preventive measure, said "Of the deep distresses of the manufacturing classes of this extensive population, your lordship is fully apprised; and the disaffected and ill-disposed lose no opportunity of instilling the worst principles into the unhappy sufferers in these times; attributing their calamities, not to any event which cannot be controlled, but to the general measures of government and of parliament; and when the people are oppressed with hunger, we do not wonder at their giving ear to any doctrines which they are told will redress their grievances." Such was the language of the magistrates at Manchester; and if their lordships would look at the representations made from Yorkshire, Cheshire, or any other part of the country, they would see that they completely proved that it was the opinion of every one of the writers, that distress was the real cause of the danger. His noble friends, indeed, had allowed, and had expressed themselves with great complacency—a complacency natural to so consoling a topic—that the people were not generally disaffected. How was this to be explained? Why, in those districts where distress did not prevail, as for instance, in the agricultural districts, there the evil did not exist in the same degree, and in some of them not at all. Was it, therefore, too much to conclude, both from the papers on the table, and even

from the admissions of his noble friends, that it was distress which had disposed men's minds to listen to designing and wicked demagogues? Was it, therefore, inconsistent with humanity and justice to say, that when the circumstances of this dangerous influence on the public mind were under consideration, their lordships should in the first instance look to the cause, and endeavour to check the evil in its source? Was it not their duty, while deprecating the designs of evil men,—and no one could deprecate them more than he did—to draw a distinction between those who misled, and those who were misled? He was grieved, therefore, to hear that Latin quotation of the noble marquis, which implied that the whole people were filled with fury and detestable malice against the government, and all indiscriminately combined against the institutions of their country. On the contrary, he from his heart believed, that those who really entertained mischievous intentions against the constitution were few in number, less in consequence, and would be as nothing in effect, unless a perseverance in the impolitic system of government, by his majesty's ministers, should increase that evil of which he believed it to be the cause.

His noble friend who had last spoken had taken credit to himself for having marked the growth of the evil from and even before the French Revolution; and had asserted, that it had now come to that height of unparalleled danger, of which not only the history of this, but of no other country could furnish an example. But while his noble friend thus congratulated himself on having foreseen, and on having carefully watched the progress of the mischief, he must beg to recall to his recollection what he had prophesied as to the efficacy of the remedies on which he had formerly insisted as able utterly to extirpate that mischief. What were those remedies? A war with France, and a domestic system of force and coercion. The war did indeed suspend, and to a certain degree extinguish, the progress of internal disquiet; but at the conclusion of the war that disquiet revived: and why? Was it not to be found in the conduct of parliament on that occasion? Did his noble friend believe that the country, looking as it did, with the utmost anxiety to the proceedings of parliament, was not acutely alive to any supposed betrayal of trust in that quarter? And would not such betrayal produce disaffection? At the end of the war, parliament had new duties to perform; and the people, who without a murmur had made the greatest exertions, and submitted to the greatest sacrifices, had a right to look to parliament for an active protection of their interests. His noble friend had at that time certainly acted from this impression; and with that constitutional spirit which he believed always animated him, had urged the reduction of the army to such a degree that even he (earl Grey), anxious as he was to reduce the military power of the Crown, from a conviction that the best defence of the sovereign was the affection of his people, even he had been induced to pause before he could give his entire concurrence to the proposition. His noble friend, however, had expressed in the most energetic language his apprehension of a design to establish a military rule, and had urged with the greatest force, and had shown with the most laborious accuracy, why and to what extent the army should and could be reduced. Parliament, however, did not reduce the army, did not do what even his noble friend conceived to be its duty; and was it unreasonable to suppose that this was a cause of public discontent—of discontent which he was sure would not exist without materials to work upon? He had himself been frequently misrepresented, as being the cause of results which he had never intended. He would not, however, though he had a fair opportunity, retort on his noble friend, and say that his conduct had been the cause of breeding discontent and an ill opinion of parliament.

His noble friend had desired them to mark the march and progress of the evil; he (earl Grey) would call upon them to mark the march and progress of that system which ministers had adopted to check the evil. He would call to their attention the suspension of the Habeas Corpus, the restraints on the liberty of meeting, the restraints on the press,—restraints now so increased, that he believed they would lead in a short time to the complete extinction of that right; in short, a general code of coercion and force, to which parliament had too readily assented, on the ground that even urgent distress was not to be reasoned with, but to be silenced. And what was the consequence? Why, according to his noble friends, the danger was so immediately threatening, that par-

liament must proceed without a moment's delay, to remove the fences of that liberty which they were professing to defend. There was an old and homely proverb, "look before you leap," but it was full of wisdom; their lordships would do well to pause and consider before they took their desperate leaps beyond the limits of the constitution. But his noble friend had dilated on the horrors of the French revolution, that pregnant source of alarm. He (earl Grey) had hoped that he had survived that disagreeable topic. He thought to have heard no more of it after the happy restoration of legitimacy. His noble friend, however, thought differently, and had maintained that the same system, with the same objects, and with the same means, was in progress here, as had overthrown the French government. And what was his remedy? Coercion and restraint. "You must," said he, "restrain the press; you must put a stop to public meetings—you must take away from an Englishman his oldest privilege, the possession of arms for his defence." But would all this operate as a security? Why, this was a mere joke, compared with the power possessed and exercised at the beginning of the French revolution: yet there the evil was not checked, nor would it be here, by such means: for in such a system there was no stopping till it came to the power of the sword, and that, when public opinion was once excited against it, would produce the very evil it was intended to prevent. There was, indeed, no real defence in any country, especially in a country under such a constitution as that of England, but a system of liberty which should conciliate the affection and esteem of the people. All other devices were absolutely futile.

He now came to another part of the speech of his noble friend, which he confessed he heard with astonishment, and with a degree of pain amounting almost to horror. His noble friend was not only against inquiry, not only approved the Letter of the noble secretary of state, but had gone so far as to express his opinion that the magistracy of Manchester had deserved what he had called "authoritative approbation." He sincerely believed that his noble friend was the only man in that House—nay, in the whole country, who had even approached to such an opinion. Who could for a moment conceive that the conduct of the magistrates had been not only free from blame, but highly meritorious; and who could venture to say, that the only question for consideration was, whether they had not been too forbearing? But he would leave this part of the subject, which he could not touch upon without the greatest regret, and proceed to examine a little the speech of the noble marquis—a speech which he owned seemed to him to be more remarkable for brilliancy of expression than for solidity of argument. The noble marquis had said that the meeting was obviously illegal—that there could be no question as to the right of putting it down. The noble marquis had professed himself to be greatly alarmed, not indeed at any acts of violence committed by that assembly, but at its silence—*ipsa silentia terrent.* A riot, no doubt, was bad enough; but that a meeting should disperse without any riot at all, was enough to fill the whole nation with terror. This was certainly a notable discovery, the credit of which entirely belonged to his lordship: but the noble marquis had another argument—he had inferred that the meeting was illegal, because its object was illegal; and its object was illegal, because it was universal suffrage and annual parliaments. And the noble lord had illustrated his argument by asking, whether it would not be illegal to discuss the propriety of assassination, or of establishing atheism. To this he would answer, no; there was no analogy in the cases, because assassination and atheism were in direct contravention to the known laws of the land; but he had yet to learn what law was infringed by discussing the propriety of universal suffrage. He would appeal from the speech of the noble marquis that night to his speech in the year 1817, when, with powerful eloquence and irresistible argument, he had recommended not to put down radical reformers, however absurd, by force and violence, but by reason and conciliation—when, in short, he had reprobated that system of coercion in support of which he was now so stoutly engaged, and had called upon parliament, in the words of the wisest of men, to "take away the matter of sedition." His noble friend had on that occasion referred to the conduct of the duke of Richmond, and it was conduct worthy of being again referred to. What! was it to be charged as a crime on "the deluded people of England," as it was the fashion to call them, that they entertained a question which they had been taught to consider a

proper one, from so illustrious an example? When they recollected that a bill, with that very reprobated object of universal suffrage and annual election, had been brought into the House, and read a first time, at a season of the greatest public danger, when parliament was threatened and besieged by an outrageous mob? When, too, they had the means of reading that strong recommendation of this now called illegal purpose, in a letter written by the duke to colonel Shirman? What! should that which was entertained as a question in parliament, be charged as a crime on the people of England? He would go so far as to say, that the people had a great practical grievance to complain of, in the disregard of parliament to their just and reasonable wishes—wishes, which were expressed not now for the first time, and which, if they were criminal, had been encouraged by the example of great names. He had himself, though certainly with but humble powers, contributed to create the delusion. In his early years, Mr. Pitt himself had been a reformer; for in the House of Commons he declared that no ministry could be honestly entrusted with public affairs unless there was a reform. But not only Mr. Pitt, Mr. Fox, sir George Savile, the illustrious lord Chatham, and many other distinguished characters were guilty, if guilt were imputable. But there was no guilt; for who would endure that such men as he had referred to should be branded as rebels and traitors, who were looking only for the subversion of the constitution? Connected with this part of the subject was the case of sir Manasseh Lopez, who had been made a baronet for no conceivable reason except his parliamentary influence. He defied any noble lord to point out one ground of character or service for which sir Manasseh Lopez would have received that reward, unless on the score of the influence to which he had alluded. But what followed? He was detected in some comparatively trifling act of bribery, and an election committee sent him to trial; and the result was, the severe, though certainly just punishment, of a fine of 10,000*l.* and three years imprisonment; just, it must certainly appear to all those numerous gentlemen who were conscious that they had never been guilty of any thing bordering on such an offence. But what occurred on the occasion of passing the sentence? The learned judge, for whose merits he would refer to the noble and learned lord on the woolsack, and indeed to all who had ever an opportunity of seeing or hearing of his conduct, had expressed himself, in the most decided terms, on the enormity of the offence of which the defendant was convicted. He said, "the crime was one of the greatest magnitude, and he confessed his own poverty of language to express the abhorrence in which such a crime ought to be held by every man in the country. It was of the highest importance to the public that the purity of election should be preserved. There should be no inroad into the House of Commons by corrupt means; for how could the country have any confidence in that House, if its doors were open to corruption; or could the public be induced to believe, that persons who obtained seats by such means would themselves be free from being corrupted in that place?" With the conclusion of the learned judge's observation, reasonable as it appeared, he did not entirely agree; for he certainly had known persons who paid for a seat without any expectation of deriving profit from it. Still, the principles there laid down by the learned judge were sound and just; and was it to be wondered at that the people of England should cry out with impatience against an abuse which the judges of the land had denounced with indignation, and punished with the utmost severity?

His noble friend who spoke last had advanced another reason for the illegality of the Manchester meeting. He had said that an assembly *in terrorem populi* was illegal. He did not deny the principle, and was glad that his noble friend had so worded it, because he thought the noble and learned lord on the woolsack had stated a similar proposition too broadly. For himself, he certainly thought that numbers alone did not constitute illegality. Every large assembly, to a certain degree, was calculated to produce intimidation; but, however great the numbers, unless there was such reasonable ground of fear as a firm and constant man might entertain, no magistrate could be justified in a violent and forcible interference. Taking this, then, as an established point, he begged to ask, did any of the other circumstances render the meeting illegal? Could their marching in military array be called illegal? Could their marching with flags be called illegal? Could their wearing caps of liberty, or their being

accompanied by music be said to be illegal? None of these singly, nor all collectively, were in his opinion illegal, unless it could be shown that the assembly meditated some outrageous or seditious proceeding. He saw no reason to allow that the meeting in question was illegal. Looking at the documents upon the table—looking at the evidence furnished by the magistrates themselves—he could not bring himself to believe, that men without arms, and accompanied with women and children, unless they were fit for Bedlam, could have contemplated any acts of violence, much less any regular conflict with the armed authorities. While, however he expressed his opinion, he did not mean positively to affirm that the meeting was legal. He did not either assert or deny the illegality of the meeting, he was ignorant on the subject; he wished to have the facts fairly before their lordships; he wished the country to be fully informed on the subject, and therefore it was, that inquiry was imperatively necessary. But did it stop here?—Admitting the illegality of the Manchester meeting; what then? Did that illegality authorise the magistrates to send in the military among them—to charge them—to cut them right and left in all directions? He was sure that his noble friend would not attempt to maintain such a proposition. If, then, there was a reasonable ground of presumption, that the meeting had been illegally dispersed, why refuse to satisfy parliament and the country by instituting an inquiry? He agreed with his noble friend, that nothing was more necessary than to uphold the magistracy; and he was glad to have an opportunity again to bear his feeble testimony to the merits of a body who sacrificed their ease, and sometimes incurred the greatest risks; in the gratuitous performance of their high and important office. To uphold such a body, was the duty of every public man: but how was that duty best performed? Was it by an indiscriminate approbation of all their acts in all times, and under all circumstances, or by a prompt support of them when right, and a firm remonstrance with them when wrong, and by an investigation of their conduct, when any reasonable objection existed against them? His noble friend, indeed, had argued, as if the government was bound at once in all cases to approve or disapprove; but there was a middle case which his noble friend had forgot to mention, where doubt, or even strong presumption of misconduct existed; where therefore either blame or praise would be in the first instance unjust; and that was precisely the case now before the House. His noble friend had asked, if, when it had been proved that magistrates had acted improperly, ministers were not bound to censure them, and then he took the converse of the proposition, and assuming that the magistrates had acted right, contended that ministers were bound to thank them. This he would fully admit, provided the facts were equally clear in both cases. But here the case was not clear; on the contrary there was strong presumption against what had been assumed as true. Here had been a meeting assembled for the purpose of discussing parliamentary reform. Of what occurred at that meeting, or in the attempts to disperse it, the House knew nothing, save what appeared in the letter of Mr. Hay. It was a remarkable circumstance, that there was no other evidence but that of one of those magistrates, who were, in fact, to be indemnified by the measures of ministers. Now, what was Mr. Hay's statement?" "The special committee have been in constant attendance for the last three days, and contented themselves till they saw what the complexion of the meeting might be, or what circumstances might arise, with coming to this determination only, which they adopted in concurrence with some of the most intelligent gentlemen of the town, not to stop the numerous columns which were from various roads expected to pour in, but to allow them to reach the place of their destination." Now it was a remarkable fact, that the magistrates had evidence of the extent to which training was carried in their district—that they knew of parties of men marching in military array—that they knew of their carrying flags, caps of liberty, and music—it was an established fact they knew of all these circumstances which are said to have rendered the meeting illegal, and yet they took not a single step to prevent the meeting from being held. Now he would ask whether the magistrates being of opinion that these circumstances rendered the meeting illegal, were not in duty bound to keep the people from assembling, and thereby prevent the havoc and bloodshed which took place on the charge of the cavalry? Was not this in itself a strong presumption of misconduct in the magistrates? Mr.

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Hay said in his letter, that "a body of constables took their ground, about 200 in number, close to the hustings; from them there was a line of communication to the house where we were." Now it was in evidence upon oath, that this line of communication remained unbroken up to the time that the cavalry reached the hustings. This was proved by the evidence of Entwistle and Nadin, who were called before the coroner's jury by Mr. Ashworth. Nadin, obnoxious as he was to the people, had walked up and down this space uninterrupted: and even Mr. Norris one of the magistrates, passed repeatedly in and out through it. He would ask their lordships, whether with these facilities of communicating with the meeting, the magistrates could not, if they thought the assembly illegal, have read the Riot act? He would ask whether they had not an opportunity of informing the poor deluded people that they were committing a serious crime, and of guarding them against its consequences? But no such thing was done. Was not this, then, a strong presumption that those magistrates had misconducted themselves. He would go further: Mr. Hay said, "There was no appearance of arms or pikes, but great plenty of sticks and staves, and every column marched in files of three or four deep, attended with conductors, music, &c. The most powerful accession was in the last instance, when Hunt and his party came in.* But it seemed the magistrates were determined to leave themselves without excuse for not having prevented the meeting from taking place. Mr. Hay went on to state; "but long before this" (the assembling of the meeting) "the magistrates had felt a decided conviction that the whole bore the appearance of insurrection; that the array was such as to terrify all the king's subjects, and was such as no legitimate purpose could justify. Now he appealed to their lordships whether, if such was the impression of the magistrates before the meeting had fully assembled, whether they were not bound in duty to prevent its taking place, when they could have done so without danger? He asked, whether their not having done so was not a neglect of that duty? Did the noble lord mean to call this forbearance on the part of the magistrates? The manner in which the people had been allowed to assemble, appeared to him more like the manœuvre of a skilful general, who wished to draw the enemy into a situation from which they could not retreat, and where they must be in his power. But when the people were placed in this situation, what was done? It was in evidence, that the people committed no act of violence before the soldiers reached the hustings. The magistrates, having allowed them to meet, ought, in common humanity to have suffered them to remain until the last extremity before they interfered. But no; the cavalry were ordered to advance at a gallop into the crowd, for the purpose of arresting a man who could have been taken on the previous day, or on the day after. This would not do; the cavalry must act, and the consequence was, according to the noble viscount's statement, the loss of three lives; but according to his (earl Grey's) information, of seven lives, besides the wounding of near four hundred persons.

He maintained, that this conduct of the magistrates furnished *primâ facie* grounds for inquiry.—In justice to the magistrates—in justice to the country—in justice to parliament, this inquiry ought to be instituted. He begged their lordships to attend to the flippant manner in which Mr. Hay mentioned the reading of the Riot act—"In the mean time the Riot act was read." Indeed, from all which had transpired upon this subject it appeared that the Riot act was not read. None of the witnesses examined before the coroner had heard of its having been read, though some were close to the house in which the magistrates were stationed; even Nadin and Entwistle, and a man named Hall, said they had never heard of its having been read, or of any warning having been given to the people to disperse, or of the meeting being illegal. He asked, then, was not this again presumptive proof that the magistrates had misconducted themselves? The magistrates asserted, however, that the Riot act was read, but if they acted upon it they ought to abide by its provisions; yet the meeting was dispersed immediately after the period when it was stated to have been read.

But it was urged that there had been much misrepresentation on this subject. He admitted it; there had been a good deal of misrepresentation on both sides. Was it possible that all the misrepresentation could be on one side? Was it possible that the magistrates, who had the making out of their own case, had not

allowed a little prejudice to infuse itself in that account? Was it not possible that some misrepresentation had crept into that account? It had been sworn by most creditable witnesses, that no resistance was offered to the cavalry before they got to the hustings. Here he would make his stand and call for inquiry. Was it to be tolerated, that without any opposition being offered—without any attempt at violence by the people, these men were to inflict wounds, and put to death several of his majesty's subjects? He said, without fear of contradiction, that there never was a case where the most prompt and minute inquiry was called for. There never was a period when the House ought more seriously to pause before they decided against inquiry. There existed much discontent in the country. The evidence laid before the House could not be relied upon. He was asked, would he give way to popular clamour? His answer was, "No, but I will use my utmost endeavours to obtain justice for the people." This justice was demanded at a time of great public distress; it was demanded too for what was considered an invasion of the people's privileges.—Let inquiry be granted—let the magistrates be acquitted, if innocent; let them be punished, if their conduct was proved to have been culpable;—let the inquiry be instituted, and in either case their lordships would take a considerable step towards calming the public mind. There were cases of palpable misrepresentation respecting the yeomanry, which he wished to mention. The first was that of a yeomanry man named Hulme, who had been knocked off his horse. It was urged by the magistrate that this person had been struck before he used his sword, whereas it was sworn that he had cut at several persons, and that he was striking at a man when he was struck with a brick-bat. The next case was that of a person named Campbell who was acquitted of a charge of having fired at a man from his window, on its having been proved that he was in the habit of firing pistols from his windows. He did not urge that any of these statements were true, but he said that they called for inquiry. The circumstance of the swords of the yeomanry cavalry having been sharpened, was also a subject on which there existed much difference of opinion. It was, no doubt, right that the arms of soldiers should at all times be prepared for duty; but here it had been proved before the coroner, by the person who had been employed to sharpen them, that 60 swords were sharpened in the week ending on the 17th of July, and others a short time before the meeting at Manchester. These were facts that had been proved, and that could not be doubted or denied. Their lordships had been asked if they would protect the disturbers of the public peace? He asked, who were the disturbers of the public peace? There was strong ground of presumption that the magistrates were the disturbers: he asked for inquiry to establish or disprove the fact. "But, then," said the noble lords, "inquiry will prejudge the question in courts of law." He should like to know how the magistrates were to be brought before a court of law. They ordered the yeomanry to act, in the exercise of the discretion vested in them, and he would ask what power there was to bring this conduct under legal discussion? This was an inquiry which parliament, and parliament only, could institute. Their lordships were called upon to enact laws restricting the rights of the subject; was the evidence on the table sufficient to induce them to do so? The noble lord said that all the facts were proved. By whom were they proved? The statements were almost all anonymous. Were the statements of A. B. and C. D. to be implicitly credited; and were the liberties of the people to be invaded on such authority? A. B. says he went to a blacksmith's shop and bought a pike-head—that he went to the public-house and had certain conversations with this blacksmith, from which he learned certain treasonable matters. Was all this to be implicitly believed by parliament, who knew nothing of A. B. or C. D.? It reminded him of a curious device, practised in a book written by lord Orford, which he had read some time since. In that book, the names of the different personages were left out in the print, but afterwards supplied in manuscript. But the statements of these anonymous individuals were ridiculous. On one occasion, a search for arms was made—and what was found? One pike-head, two pistol-stocks, concealed on a shelf, and a box containing some unfinished balls! In another instance, the socket of a pike-head, with a small pistol, and a paper containing the pattern of a pike were discovered! This was if possible more ridiculous than the stocking full of ammunition which was to be used

in seizing the Tower, and taking possession of London.

It was said that the people were at present providing themselves with arms for the purpose of carrying their revolutionary plans into execution: but it should be remembered that the same was said in 1817. What followed on that occasion? The Habeas Corpus act was suspended, but none of the arms which were said to have been provided were ever discovered, although the most diligent search was made for them! The present case, however, was a great deal stronger than that of 1817, for here parliament were called upon to make new laws, without even the authority of a committee to sanction the credibility of A, B, and C, whose testimony, supposing it to be confirmed, was incomplete in many points. He had made some extracts from the report of the committee appointed in 1817, in which it was said that pikes had been manufactured, and other arms provided, in different parts of the country; but the fact was known that none of these pikes or other arms had ever been found. Again, on the subject of Mr. Horsfall's atrocious murder, these were the words in the report of the committee—"When he fell, the people surrounded him, and reviled him, instead of offering him assistance; and no attempts were made to secure the assassins." Thus the people were charged with the brutal cruelty of reviling the unfortunate sufferer, instead of offering him any assistance. But what was the fact? The murderers were afterwards secured, tried, and convicted; and, on the trial it was proved, that the people, instead of reviling the wounded man, had assisted him to the nearest house. Here anonymous evidence had been satisfactorily contradicted on the trial; and yet, on similar testimony, parliament was at present abridging the liberties of the people. If this was not a fit case for parliamentary inquiry, he could not see when such a case could occur; and that being his opinion, he thought it his duty to support the motion of his noble friend. He observed with astonishment that there was nothing from the lord-lieutenant of the county of Lancashire on the subject of these proceedings. It was to him an unaccountable matter, that his majesty's ministers, as far as appeared from the documents on the table, had not applied to the lord lieutenant, the highest authority in the county, but had received all their information from magistrates in inferior situations. From the lord-lieutenant it was that ministers ought to have sought for information, instead of passing him over and applying to the magistrates, who were parties in the case. In saying this he meant no personal disrespect to the magistrates.

He felt it unpleasant to speak of himself, but he appealed to the House whether he could have any other motive in advocating inquiry than a conscientious wish to perform his duty to his country. Could he be suspected of any attachment to the principles of the radical reformers? Was he not aware that those persons called radical reformers were decided enemies to the Whigs—that he himself was pointed out by name as their greatest, if not their principal enemy? He knew that if those persons were to succeed in obtaining that which they sought for, he would be their first victim; but, notwithstanding this, when he found an attempt made through these people to aim a vital blow at the constitution of the country, he was determined, as far as in his power, to interpose his shield and prevent it. In doing so, he could have no ambitious purpose in view; for he was not so weak as to suppose that at his age, and with his state of health, he could, in the event of any popular commotion, "Ride on the whirlwind, and direct the storm." His only object at his time of life was and ought to be peace and tranquillity, but above all, he was anxious for the peace and prosperity of the country. He was anxious to see that blessed constitution which had been the work of our ancestors preserved pure and inviolate. If that were attained, he should sink to his grave with peace and satisfaction. For the reasons which he had endeavoured to submit to their lordships he must give his most cordial support to the motion of his noble friend.

The Earl of *Liverpool* apologised to the House for addressing them at that late hour, after all he could say had been anticipated by the noble marquis, and also by the noble baron who had that night delivered one of the ablest and most eloquent speeches that had ever been heard in that House. He could not, however, in justice to the cause which his noble friends had taken up, in justice to himself, or in justice to the administration with whom he acted, suffer this question to go to the vote, without delivering his opinions upon it. How injurious soever he

supposed that the views of the noble mover would prove, if adopted by parliament, he was ready to render him that justice which the noble marquis, he knew would on his part, give him for purity of intention. In addressing himself to this subject, he could not help observing the very different views which were entertained by the noble marquis and by the noble earl who had just sat down. In the opinion of the noble marquis, the motion embraced every thing; but the noble earl restricted it to an inquiry into the proceedings at Manchester. The noble earl said, on the first night of the session, that he objected to the whole proceedings of ministers, as injurious to the interests of the country: from the noble marquis they had heard a different opinion, for he had said he did not doubt that some of the measures proposed by his majesty's ministers would be beneficial to the country.

The subject of the motion before their lordships might be considered in two points of view—either that they should go into an inquiry with reference to the whole state of the country, as the noble marquis proposed; or, as the noble earl proposed, that they should institute an inquiry on the question of the proceedings at Manchester alone. The noble marquis had attributed the present troubles to the distress which prevailed in some districts of the country; and the noble baron had said, that these troubles were owing to a plan that had been regularly formed long ago to subvert the constitution. He would not, at that late hour, enter into the examination of these two different opinions, because they all admitted that, whether the evil proceeded from distress or not, distress did exist, and that every endeavour should be made to relieve it. If the noble marquis had said, that this distress proceeded from the measures of parliament, that would have been a fit ground for a parliamentary inquiry; or had he even said that it could be relieved by parliament, that would have been a fit ground for inquiry. But the noble mover had not said any thing from which it could be inferred that he entertained either of these opinions. As to the first of the remedies that had been suggested, the issuing of exchequer bills in aid of the commercial interest, he did not think it necessary to enter into any argument to prove its inefficacy, especially as the noble marquis himself had great doubts of the propriety of such a measure. With respect to the second remedy, even if the smuggling alluded to was really practised, he was sure the noble marquis had too enlarged a view of the subject, to suppose that any material good could result from the plan proposed. It was evident that great delusion had been practised on the public mind respecting the causes of the present distress, for every one who looked at the papers on the table must know that it was connected with circumstances over which neither the executive government nor parliament had any control. It arose from the state of an internal trade, affected by foreign commerce; and he maintained that, whatever might be the circumstances of this distress, it was not connected with political causes. It was impossible it should not have happened that a war of more than twenty years, a war in which not only this country, but all Europe had been involved, should be followed by great distress in this country, as well as in all other countries in Europe. If, however, the noble marquis would inform himself on the subject, he would find that this distress existed to as great an extent in the United States of America as in this country—a circumstance which he regretted, both on account of America itself, and on account of the effect it had on this country. If their lordships considered the situation of America, they would find there those principles of reform which had spread through this country. The Americans had no king—no nobles—no established church—no tithes. They had too—what was called equal representation—and we were told they had no taxes; yet that country was more distressed than this, in which all those establishments existed. He did not urge this as a matter of blame against the American government—it arose from a cause simple, plain, and intelligible.

For fifteen or twenty years that country had remained neutral, had carried on an extensive commerce, and during that time had made great progress in prosperity; and when the circumstances which had given rise to its prosperity were changed, it was impossible that a country so situated should not go backwards. Its present situation, he hoped for our own sakes, would not be of long duration; but he had stated these circumstances to show that the causes of distress were not to be attributed to the government of a country.

In inquiring into the circumstances

which had given rise to the distresses of this country, it was material to consider how rapidly the population had increased within the last 60 years. What was the consequence? To meet the great demand for manufactures, machinery was introduced, which had a tendency in the end to produce something like a glut in the market; and this, combined with the increase of our population, might easily account for some portion of the distresses that existed. He stated these circumstances, because he thought, generally, that they were most material for consideration, and also because they were most important with reference to the formation and adoption of any measures for the amelioration of the state of the country. Every man must look with an anxious desire towards any measure that was calculated to afford relief to the lower classes of people in this country, and more particularly to the manufacturing population. But the legislature must proceed with great caution. Measures of that kind could not be viewed as matters of indifference. If they did not effect good, it was probable that they might do much harm; and he believed that, for one instance in which benefit was produced by legislative interference in matters of trade and commerce, ten cases could be pointed out in which injury was the consequence. This was a doctrine that ought to be impressed on the minds of the people of this country. They ought to be taught, that evils, inseparable from the state of things, should not be charged upon any government; and, on inquiry, it would be found that by far the greater part of the miseries of which human nature complained, were, in all times and in all countries, beyond the control of human legislature:

"How small, of all the ills that men endure,
"The part which kings or states can cause or cure!"

Whatever the cause of the present distress might be, it could not, he would maintain, be ascribed, in any degree or in any way, to the government or legislature of this country. The observation of the noble baron who spoke last but one was worthy of the deepest attention. If there were any suggestions to be made worthy of notice, either to alleviate the distress that prevailed, or to contract its duration, let them be brought forward at the proper time, and they would always receive full consideration from the parliament and government of the country. But these points did not, in his judgment, form any ground for proceeding with such an inquiry as was now called for.

The noble marquis had, however, declared, that an inquiry ought to be instituted, not with a view to apply relief to any distress which existed, but because he conceived that there was some defect in the formation of the other House of Parliament, and that the people looked to some reform in that House, where they conceived they were not sufficiently represented. This was a severe charge to advance against the House of Commons, and, in his opinion, an unfounded one. He knew not on what ground it could be defended. The noble marquis, in support of his argument, had referred to the conduct of the noble baron and of the noble marquis some years ago, with respect to the military establishment of the country. He would not now enter into a discussion of the reasons which induced them to suppose that the establishment then in existence was not more than sufficient; but the noble marquis had entirely forgotten the reduction that took place in preceding years—a reduction, he believed, that went to the full extent of any wish or expectation that was ever stated by those who opposed a very large force. The result of that reduction was, that though the question of the amount of the army and ordnance establishment had been in every preceding session a great subject of conflict and discussion in both Houses of Parliament, yet it would be found, on referring to those sources which were open to all their lordships, that in the last year the army was so far reduced that the vote passed the other House of Parliament with little observation, and except what had been offered by a noble earl opposite, without objection in that House. It was, therefore, most unfair, considering the evil that must arise from it, to endeavour to excite distrust in the minds of the people, by making an accusation against parliament in general, or the House of Commons in particular, unless the noble marquis could adduce a more grave and well-supported ground of censure than he had offered: but did the noble marquis believe that the spirit of reform—that spirit which produced those numerous meetings—had, in reality, any connexion with the distress that existed?

The noble marquis had asserted that meetings convened for the purpose of procuring annual parliaments, were not ille-

gal. That opinion he conceived to be erroneous. By the same rule, the people might meet to alter the succession to the Crown. If the noble lord's argument were carried to its extreme, he could see nothing more illegal in their assembling to alter the line of succession, than in meeting to demand annual parliaments and universal suffrage. If the doctrine laid down by the noble lord were true, the people might meet to petition parliament to do any act that was within its power, and no person could argue that the power of altering the succession to the throne did not belong to it. In the first place, the noble lord had stated that numbers alone did not constitute illegality. He would not take on himself (for he did not profess to have sufficient confidence in his knowledge of the law) to decide whether numbers alone rendered a meeting illegal, but he would maintain, that the appearance of great numbers established a fact, from which the nature of a meeting might in some degree be inferred; and if with numbers they combined the circumstances stated in the papers laid before the House, the whole taken together constituted an illegal meeting. What could be the object of previous training—of military array—of coming armed, even with sticks and staves—of answering to the orders of commanders, as the people at those meetings did, except for the purpose of carrying their designs by terror? Could any person examine the evidence, and say that there was not a design on the part of many individuals by terror or force to shake the constitution of the country? But the noble lord observed, that there was nothing to be feared, for there were no persons of rank or property amongst the discontented. If the noble lord examined the proceedings at former periods in this country, he would see the dreadful mischief that was occasioned even by such men as Wat Tyler and Jack Straw. He would find a vast quantity of property destroyed and confiscated; he would perceive that many lives were lost, by popular commotions, unaided by men of property. He would learn that the country might be visited by destruction, without the interference of people of rank and consequence. But the noble lord said, he did not believe the great mass of the people to be of the description stated by his noble friend (marquis Wellesley) in the course of his speech. His noble friend did not assert that the whole or even the greater part of the people were of that description, but that there were many dangerous characters amongst them. If the noble lord would look to the history of any revolution that ever took place, he would find, that, on those occasions, the active leaders were few. When the government of this country was overturned, those who first entertained the project were very much restricted in numbers. In every instance, it was the desperate conduct of the few, and the fears of the many, that produced revolution. He would not say, because he did not believe, that the great body of the French people were at first implicated in the revolution which formerly ravaged that country. If any person had told them, a few years before, that they would soon assist in overturning the monarchy of France, he believed they would have shuddered at the bare idea, but they soon became familiarised to scenes of devastation. The noble lord, to prove that the meeting was peaceable, stated that it was attended by women and children. He (the earl of Liverpool) never saw a mob in his life without women and children. He had witnessed some of the most active scenes in the French revolution: he was present at the capture of the Bastile; and he could assure the noble lord that he saw many women busily employed on that occasion.

He had heard, with the highest satisfaction, the noble baron's speech. He had heard it with the highest satisfaction, both because it took the view which, in his opinion, appeared to be the just view of the transactions in question, and because he knew that what had fallen from such high authority, must have an excellent effect throughout the country. But the noble marquis whose motion was before their lordships, declared, that the facts disclosed afforded a sufficient ground for inquiry. Now, he had no difficulty in stating, that if all the noble lord advanced had been true—if he could make out his case to the utmost extent, and show that there was a fair ground of suspicion, with respect to the conduct of the magistrates of Manchester—still he should think, that it was not a proper subject for inquiry in that House, but one that should be investigated in the courts below, before which a part of the case had already come. He would not, however, let the statement of the noble lord go forth, without expressing his concurrence in the opinion of the noble baron, that no reason, no ground

for inquiry existed, because the conduct of the magistrates was not only legal and justifiable, but highly laudable and judicious. It was not, however, necessary for his purpose that he should go that length; because he had no difficulty in saying, that if they were actuated by an honest desire to do their duty, if they were uninfluenced by passion or partiality, and had applied their minds fairly to the circumstances of the case as they occurred at the time, he should not have thought them liable to blame, because he or others had formed a different conclusion with reference to those circumstances. It would be exceedingly unjust if they were censured, not for a wilful abandonment of their duty, but for a mere error of judgment. The noble lord said, the magistrates had a previous intimation of the views of those who intended to meet on the 16th of August, and their first object ought to have been to prevent the people from assembling, by stopping the different columns as they approached. That consideration did occupy the serious attention of the magistrates for some time, and they at length determined not to adopt such a course. Their motive for not preventing the meeting appeared to him to be a sound one. They could not do it without causing such a diversion of the military force, in and near the town, as must have endangered its safety more than the meeting of the people could do. This was the deliberate view they took of the subject, and he conceived it was a correct one. They, however, caused placards to be posted round the town, calling on the heads of families to keep their children and servants within doors, and warning them that if they attended the meeting it must be at their peril. Thus it appeared, that they did employ the best means in their power to render the assemblage as little numerous as possible. The question then was, whether the meeting was of such an illegal character as would justify the magistrates in dispersing it by force? Their lordships were aware of the previous drilling—of the appearance of military array—and of the people to the number of at least 30,000 marching to the ground, under regular commanders. Few persons had raised a doubt, looking to all the facts, that the circumstances and character of the meeting were altogether illegal. But, independently of their own observation, the magistrates had the depositions of 50 persons in the town and neighbourhood of Manchester, in which they stated that they believed the town to be in imminent danger, by the accumulation of a vast body of people there: and when all the shops were shut up, when business was suspended on a labouring day, was there not, he asked, a reasonable ground for fear? The magistrates did consider the meeting to be illegal, and they felt they were justified in signing a warrant for the arrest of the principal persons who convened it. The noble lord had observed, that there was a line of constables from the house where the magistrates were assembled, to the hustings; but he forgot to state, that the hustings were several times removed, in order that the parties who called the meeting might have the assistance of a compact body of men, who were linked together by the arms, round the hustings, and could effectually prevent the approach of any persons towards them. The noble lord said, the warrant might have been executed by means of these constables, without the intervention of military. What was the fact? Nadin and Andrews, who were intrusted with the execution of the warrant, declared to the magistrates that they could not serve it without the assistance of the military; and, under these circumstances, it was the duty of the magistrates to grant the aid required. The noble lord next asserted, that the military charged into the midst of the mob, before any resistance was offered. What was the nature of that charge? The yeomanry proceeded in single files, and the slowness of their pace might be ascertained from this fact, that Mr. Nadin and Mr. Andrews were able to keep up with them all the while, until they arrived at the hustings.

He now came to the question of reading the Riot act; and he had learned from authority which he could not doubt, that it was completely read once, and partly read a second time, but the magistrate who undertook the duty was thrown down. On this part of the case, however, he did not lay any stress, because the magistrates were legally empowered to disperse such a meeting, without reading the Riot act at all. He believed it was the original intention of the magistrates to disperse the assembly an hour after the Riot act was read, but, when the officers went to arrest the accused person, the yeomanry were assailed. They were fired at with pistols, and sticks and stones were hurled at them. He spoke on the authority of

the officers, Nadin and Andrews, who both declared that they considered the yeomen to have been overpowered. At this moment an individual exclaimed, "For God's sake save the yeomen!" and, in consequence, the 15th Dragoons were ordered to charge the mob, who were almost immediately dispersed. The whole period between the advance of the cavalry and the dispersion of the meeting was not more than ten minutes. He believed the yeomen (he spoke of them as a body, and did not mean to answer for any individual) did not remain longer on the ground than was necessary to complete the business, or do any act that was not absolutely necessary. He stated these circumstances for their lordships' consideration, and he defied any man to point out any part of the conduct of the magistrates in this case to which blame could be fairly attached. He protested that, if he had been in their situation, he did not know one point in the whole of the proceeding where he thought he could have acted better himself. But if there were objectionable points—points on which more prudence might have been displayed, still, when they recollected the danger which threatened them at the moment, no impartial man would say that an error occasioned by inadvertence should be visited with censure. This again brought him to the question of inquiry, and he felt, as he had stated before, that this was not the place for such a proceeding. In fact, the case had in some degree proceeded to inquiry already, because the finding of bills against Hunt and others was, as far as it went, a species of inquiry, through the medium of which the legality of the meeting would be decided. He would say farther, that when certain parties preferred bills against five of these yeomen, which bills were rejected, it was an *ex parte* justification of their conduct. The noble lord said, it was not in the power of the persons injured to obtain redress. This was not correct: they could proceed by criminal prosecution or civil action. Was it then fair, when a judicial investigation might be had, to set aside all the ordinary course of justice and to demand an inquiry in parliament? The noble lord alluded to the case of Porteus, in Scotland, which underwent an investigation in parliament. But then the fact was, that the magistrates had not done their duty, and parliament was the only place in which a remedy could be obtained. Where cases of that kind arose, it was certainly proper to apply to parliament; but a simultaneous proceeding in parliament and in the courts below could not be admitted without violating every principle of justice.

The noble lord had said it would be improper to pass such measures as were now in contemplation, without due consideration. This was very true; but ministers would rest their justification on the papers laid before the House, combined with the notoriety of the facts narrated in them, which were well known to every person in the country. The noble lord might take objection to insulated parts of an affidavit, but he believed a more complete body of evidence, taking the whole of it together, was never laid before parliament. Here was information, derived not merely from the Manchester magistrates (for the papers were not laid on the table for their justification) but from individuals of the highest respectability. They had the authority of the grand jury of the county of Lancaster, which was as respectably composed as any in the kingdom. It comprised individuals not only of high property and consideration in that county, but who entertained political opinions extremely different from each other. They had also the statement of the respectable individual who filled the situation of lord-lieutenant of the county. He could speak of that individual's conduct from experience when he held the situation of secretary of state for the home department, and he never knew a person who discharged the arduous duty of a lord-lieutenant in a more exemplary or abler manner. For many years it had been found of the greatest benefit to the county of Lancaster, that it possessed so excellent a lord-lieutenant as the earl of Derby; a nobleman whose services could not be too highly appreciated, and who, although a zealous opponent of his majesty's ministers, had conducted himself in such a manner as to induce them, at any critical period, to congratulate themselves that such a man was at the head of a remote district. In addition to the authorities he had quoted, they had also the statement of the grand jury of Chester, and of the lord-lieutenant of that county; and having thus briefly adverted to them, he would ask whether there ever was so complete a mass of evidence laid before a secret committee of that House. From the conviction

which ministers felt that this evidence was correct, they thought that laying it on the table would be sufficient to prove, that a state of things existed in the country which called for the interference of the legislature. The noble lord, on that and former occasions, had made a charge against the government for not having prosecuted a sufficient number of those infamous libels with which the country at present teemed. He would venture to say, that prosecutions, inopportunely taken up, were always productive of more evil than good. This was a subject, however, which for months past had most anxiously occupied the attention of government. Their lordships were aware that several prosecutions were instituted in Michaelmas term last year, particularly with respect to Sherwin's Register. If the noble lord thought they were dropped through neglect, he was mistaken. It was not from the supineness of government, but from the deficiency of the law as it now existed, and which their lordships had it in their power to remedy, that the proceedings were slow or unsuccessful. He could state that up to the present day, it was not in the power of the law-officers of the Crown to bring one of those libels home to Sherwin himself. It was, however, true, that fifty prosecutions had been instituted, some of them several months ago, not against himself, but against other persons, for publishing his register; and he believed that a prosecution was commenced against Carlile, for a letter on the subject of assassination, so long back as Christmas, 1818, but the forms of the law as it at present stood prevented it from being brought forward till Michaelmas term last, when it was further postponed, at the request of the defendant. They would have another time to go into this subject; but he wished now to put it to their lordships, whether it was fit that such a state of law should exist in this country, as enabled individuals to circulate libellous publications for nine or twelve months before they were subjected to legal punishment. Their lordships had on their table a most important measure connected with this subject. It was an alteration of the existing law respecting traverses which he deemed indispensable. He did not, however, mean to say that it would answer the intended purpose, unless it was combined with other measures. This subject was under the serious consideration of the Prince Regent's government, who were as convinced, as he was, that the alteration was indispensably necessary for the administration of justice. Those who consider the increase of the population must feel with him, that the legal machinery, which 200 years ago might have answered every purpose, could not *prima facie* be calculated for the present state of things. He again repeated, that with the exception of one measure authorizing the search for arms, which was of a temporary and local nature, all the others which had been introduced by his noble friend last night, were consistent with the existing laws and principles of the British constitution. Those measures, were, indeed, proposed in furtherance of the principles of the constitution, and for the purpose of protecting the people of this country against a series of evils, which, if not checked, must subvert their rights and liberties. If they looked to this question in a proper point of view, they would see that whatever they might have gained by commercial exertions, whatever benefit they might have derived from the persecutions which had driven individuals from other countries, it was possible that they might be deprived of them all, if they did not guard against the persecutions of a mob. The fear of the mob invariably led to arbitrary government; and the best friends of liberty were therefore those who put down popular commotion, and secured the inhabitants of a country in the peaceable enjoyment of their rights.

The Earl of *Darnley* said, he should support the motion, and contended, that this was a subject on which the minds of the people required to be satisfied, and on which an inquiry was absolutely necessary.

The Marquis of *Lansdowne* replied. He was perfectly ready to admit that he was favourably disposed to the principle of some of the measures about to be adopted; but to others of them he was decidedly adverse. Whatever opinion might be entertained of them could not affect the propriety of the inquiry he proposed; which would be honourable to the House, satisfactory to the country, and would give to the magistrates an opportunity of vindicating their conduct.

The House then divided, when there appeared:—Contents—Present, 35; Proxies

12—47. Not Contents—Present, 110; Proxies 68—178. Majority against the Motion—131.

*List of the Minority.*

PRESENT.

Duke of Kent
Sussex
Somerset
Grafton
Devonshire
Hamilton
Argyle.
Marq. of Lansdowne.
Earl of Essex
Thanet
Darlington
Albemarle
Fitzwilliam
Jersey
Lauderdale
Cowper
Grosvenor
Carnarvon
Darnley
Bessborough
Donoughmore
Blessington
Rosslyn
Earl Grey
Minto.
Lord Saye and Sele
Hawke
King
Holland
Montfort
Auckland
Erskine
Alvanley
Yarborough
Foley.

PROXIES.

Earl Spencer
Marq. of Downshire
Duke of Leinster
Viscount Anson
Earl Derby
Suffolk
Charlemont
Visc. Bolingbroke
Lord Sondes
Dundas
Hutchinson
Crewe.

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## HOUSE OF COMMONS.

*Tuesday, November* 30.

Mr. *Stuart Wortley* said, he was extremely unwilling to occupy the attention of the House by any thing that respected himself personally, and he felt that, on the preceding evening, he had put an entire end to a misrepresentation that had taken place with reference to what he had said a few days ago. He had since been charged with saying, that at some meeting in the West Riding of Yorkshire, resolutions had been passed on the part of the Radical Reformers, in which the property of earl Fitzwilliam had been pointed at for partition. He explained to the House yesterday, that he never said that such resolutions had been passed; but that, in the course of a meeting held within the West Riding of the county of York, the property of the noble earl was directly pointed at for partition. There was a material difference between the two statements; because, if the Reformers had come to resolutions of such a nature, the persons concurring in them would have been implicated in their adoption, as much as the persons by whom they were proposed. What he originally said was, if gentlemen wished to know the object of the Reformers, let them look to the resolutions agreed to at Leeds; and he added, that at a meeting held somewhere in the West Riding, the property of earl Fitzwilliam was "pointed at" for partition. He did not say that resolutions were passed having that object in view; but that, in the course of the meeting, the property was so pointed at. He was unwilling to believe that there was any intention to misrepresent the words made use of by the members of that House, but these were critical times, and if any accusation were thrown out against any party, it was most material that it should be precisely stated, and that words should not be placed in the mouths of gentlemen which they had not made use of. He would leave the matter here, being unwilling to press it farther. As in all those vehicles by which parliamentary intelligence was conveyed to the public, he appeared to have been equally misrepresented on this occasion, he could only attribute the circumstance either to the terms in which he delivered his explanation not being sufficiently clear, or else to some defect in the hearing of those who noticed it. He was most anxious, and he earnestly hoped, that the misrepresentation which had taken place would now be effectually done away.

MANCHESTER MEETING — PETITION FROM READING.] Mr. *Fysche Palmer* presented a petition from the inhabitants of the town of Reading. It was numerously and respectably signed, he said, and related chiefly to the affair of Manchester on the 16th of August last. In consequence of information obtained by the petitioners, of the particulars of that day's transactions, not only furnished by the newspapers, but also by several respectable men in their neighbourhood, who had subsequently visited the scene, the petitioners were led to believe that the meeting was perfectly legal and constitutional, and that the conduct of the persons assembled was exemplary for good order and propriety; that an indiscriminate attack was made on this legal and orderly meeting, whereby not only the leaders and audience part of the meeting, but those who had been attracted by mere curiosity, suffered extreme cruelty and outrage. The petitioners were convinced that this attack was a violent infraction

of the right of meeting, to discuss and petition for redress of public grievances, which right was fully warranted, and the exercise of it protected by the constitution. The petitioners thought that those who advised the Prince Regent to thank the magistrates and yeomanry for their conduct on that occasion were guilty of great harshness and injustice, and showed a disposition to stifle inquiry into the most calamitous events which could befal a free people.

Mr. Serjeant *Onslow* did not rise to oppose the bringing up of the petition; but the declaration of the petitioners, that the Manchester meeting was perfectly legal and constitutional, was one which he felt it to be his duty to protest against. The pretence of exercising the right of petitioning, could not, in his opinion warrant the military parade and banners used on that occasion. He thought, indeed, that the meeting was directly illegal, seditious, and dangerous to the public peace. The demand for "annual parliaments, universal suffrage, and vote by ballot," inscribed on one of the flags, was utterly unconstitutional. "Liberty or Death," on another of the flags, proved the intention entertained of maintaining the first-mentioned claim at the hazard of life. This was riotous and treasonable; it was nonsense to confound such proceedings with the legal right of petitioning.

Ordered to lie on the table, and to be printed.

MANCHESTER MEETING—PETITION OF SAMUEL BAMFORD]. Mr. *Bennet* said, he held in his hand a petition from a person of the name of Samuel Bamford, of Middleton, in the county palatine of Lancaster. It was drawn up in a manner extremely decorous in every point of view, and furnished one of the most singular specimens of the talents and good sense which were to be found among persons in the petitioner's rank of society. The petitioner set forth that he was one of those who conducted a large body of individuals to the meeting at Manchester of the 16th of August. He stated that he was intimately acquainted with the motives which induced individuals to attend that meeting, that he was perfectly cognizant of the propriety of the means which they intended to use to accomplish their objects, and that he was most solicitous to appear at the bar of that House to be examined. As he (Mr. Bennet) had had two long conversations with the petitioner, he had no hesitation in saying that the information which it was in his power to give was of the highest importance, and he should like nothing better than to have the petitioner examined at the bar in order to demonstrate what he thought the petitioner capable of demonstrating, that many of the accusations brought forward against the people were very highly coloured, if not altogether unfounded. As the petition would be read, it was not his intention to enter into any detail of its contents. The petitioner, as far as he had been able to learn, bore the reputation of being an honest, moral, well-meaning man. As to his political opinions, they certainly were dissimilar from those which he held; but he was yet to learn that there was any thing treasonable or seditious in his entertaining sentiments which had, at different times, been upheld and avowed by the great and powerful in this country, and, amongst others, by the duke of Richmond. Under these circumstances, he begged leave to offer his petition to the consideration of the House and he sincerely hoped the House would grant the prayer of the petitioner, and hear what he had to say on the different points which the petition embraced.

The petition was then read, setting forth,

"That the petitioner having read the papers relative to the internal state of the country, presented to both Houses of Parliament by command of the Prince Regent, and printed at the London Gazette Office, and which papers, the petitioner is informed, have been delivered to the members of the House as the foundation of certain legislative measures, tending to alter the laws and constitution of this realm, and abridge the rights and liberties of the people, and knowing that many of the allegations contained in those papers are untrue, and many of the circumstances described as facts are grossly misrepresented, while the proceedings and intentions of the people are unfairly discoloured and distorted in many of the documents contained in the said papers: the petitioner humby requests, that, for the purpose of disproving the allegations and representations contained in the said papers, he may be examined at the bar of the House, and confronted in person, or, by evidence, with the persons who have thus traduced a large body of his majesty's

loyal subjects, whose sole design, as must be well known to the petitioner, was to address his Royal Highness, humbly to represent their various grievances, and petition for such reforms as might have a tendency to remove them; that the petitioner, from an honest conviction that the greater part of the grievances under which the people labour might be removed by such a reform as would restore to the people their right of suffrage, and diminish the amount of taxation, by lessening the expenses of the state, and conceiving that he was amply protected by the laws in exercising all those rights of a freeman which the constitution has conferred upon him, has never hesitated to unite with is neighbours in furthering every measure which tended in a legal manner to bring about the said reforms, and nothing further has ever been in the contemplation of the petitioner, nor, he believes, in that of his neighbours, although the petitioner freely acknowledges that he has been a willing and active participator, from a sense of public duty, in most of the measures which are so grossly misconstrued and perverted, in the papers which have been so presented to the House; that, in regard to the system of pretended training for military purposes, to the preparation of flags, to the marching in a body from Middleton to Manchester, and to all the legitimate and justifiable objects of such measures the petitioner is prepared to speak at large, and to demonstrate by his own, and various evidence, that, so far from their involving any design to break the public peace, they were instituted for the very purpose of its preservation, and of giving that unity of action and feeling to every individual as should most effectually secure the harmony and good order of the great meeting of the friends of reform then meditated at Manchester; all which explanations of the petitioner would, if made at the bar of the House, fully satisfy its members, and the nation at large, that the friends of reform in Lancashire have been basely traduced and calumniated in the papers so presented as aforesaid: that the petitioner humbly trespasses further on the time of the House, to state, that he attended, with great numbers of his fellow townsmen and inhabitants of the adjacent villages, at the meeting held at Manchester on the 16th of August, for the sole and lawful purpose of giving their personal vote and countenance to an address to the Prince Regent for redress of grievances, and for certain reforms tending thereto; that the petitioner, and his neighbours as aforesaid, walked in procession to the said meeting, after the manner in which the procession of benefit clubs and other associations take place in Lancashire and other parts of England, and, to enable the said parties to move with due decorum, a couple of flags were provided, in accordance with the manners and customs of the people of England from time immemorial for purposes of the like nature, whether for elections or any other peaceable and lawful object, which flags were provided with such inscriptions or mottoes as, in the humble judgment of the persons who directed their construction, were suitable, and as are to be found in the works of the best moral and political writers; a band of music being also provided to aid in the purposes of the flags, and to confer cheerfulness and hilarity on the people; all which appurtenances usually characterise similar processions for every variety of peaceable or social design in that country, and are in like maner believed by the petitioner to be characteristic of the peaceable manners and customs of the entire population of these realms; which several circumstances have been unfairly and unjustly described in the papers alluded to as aforesaid; that the petitioner and his neighbours arrived at the proposed place of general meeting at Manchester, for the purpose aforesaid, in the greatest hilarity and good order, intending mischief to none, and suspecting none towards themselves, therefore wholly unprepared with means of offence or defence, and many of them affording an indubitable plege of their sincerity and sense of security, by taking in their company their wives and female relatives; and that after they had been on the ground half an hour, and within ten minutes after the chairman had taken his station on the hustings, without any previous notice, riot, tumult, or disturbance, the assembly, consisting as is supposed of above a hundred thousand men, women, and children, who, as the petitioner believes, had been collected under similar circumstances, with similar views, to those which directed the petitioner and his neighbours, found themselves suddenly assaulted by a charge of the Manchester yeomanry cavalry, who sabred, rode down, and trampled upon every individual who could not escape them; by which, as the petitioner be-

lieves, several hundred unoffending persons were severely wounded, and some killed on the spot, while, owing to the endeavour of so many thousand persons to escape from this continued, persevering, and unrelenting outrage, they were driven one upon another, so as, in some cases, to press each other to death, break the limbs of others, and occasion many to be trampled upon, thereby producing a scene of complicated horrors, of which no powers of language possessed by the petitioner can convey to the House an adequate notion; that the petitioner beheld the whole of this frightful scene with feelings which can never be erased from his mind, and the impression of which would render it highly criminal if he forbore to do his duty to the unhappy sufferers, to his country, to the cause of justice, and to the House, by thus solemnly impeaching the veracity of the various statements made by parties implicated, and criminal in those unparalleled atrocities; that the petitioner, for the reasons above stated, and that the House may not be taken by surprise, by *ex parte* statements, and may not be led to adopt measures derogatory of its honour and dignity, but may, on the other hand, be induced to institute such rigorous and solemn inquiries as may, through the means of its power, bring the criminal authors who appear to be above the reach of the ordinary tribunals, and above the humble means of the sufferers, to condign punishment, humbly prays, that he may be permitted to prove all and every of the allegations contained herein at the bar of the House."

Ordered to lie on the table, and to be printed.

Camelford Election.] The Resolution of the 7th of July last [see vol. 40, p. 1537] being read,

Mr. *D. W. Harvey* said, the House had, in the last session, agreed to two resolutions relative to the borough of Camelford. One of these was, that the House would, shortly after its meeting, take into consideration the two reports which had been drawn up relative to the last election for Camelford; the other was, that the warrant of the Speaker should not be issued, for a new writ, for members to serve for that borough, until ten days after parliament had met. He wished that the period for issuing the warrant should be farther postponed till the 6th of January next; and also, that the House should enter into a committee to consider of these reports. He should therefore move, "That Mr. Speaker do not issue his warrant to make out a new writ for the electing of two burgesses to serve in this present parliament for the borough of Camelford, in the room of John Stewart, esq., and Lewis Allsop, esq., whose election has been determined to be void, before 6th January next." The resolution was agreed to; after which Mr. Harvey gave notice, that he would on Wednesday se'nnight move, "That the House do resolve itself into a committee of the whole House, to take into consideration the two reports of the committee on the Camelford election."

Bank of England.] Mr. *Grenfell* wished to know from the right hon. gentleman opposite, whether any and what arrangements had been made for paying to the Bank of England part of the sum of 5,000,000*l.*, which, under the recommendation of the parliamentary committee that sat in the last session on the affairs of the Bank, was to be put in an immediate train of payment. According to his recollection, the arrangement agreed to on that occasion was, that a sum amounting to 5,000,000*l.* should be paid between the months of July last and April; but as some misunderstanding had taken place on this subject, he should be obliged to the right hon. gentleman if he would favour him with correct information.

The *Chancellor of the Exchequer* said, the House would do him the justice to recollect, that, when the discussion of the affairs of the Bank took place, he stated, that the necessary arrangement for raising a sum of money for the service of the year rendered it unlikely that any very early payment could be made to the Bank, unless that body chose to afford the usual accommodation with respect to the loan, by which they would be enabled to repay themselves a very large sum. They had, however, declined that accommodation, and the benefits they would have derived from it. He had, notwithstanding, to state, that a very considerable sum had been paid, to the Bank of England; and arrangements had been formed, by the operation of which, the directors of the Bank were satisfied, that the sum of 5,000,000*l.* would be paid by the time pointed out by parliament. He therefore saw no reason for altering or encroaching on the system of arrangement which parliament had

deemed it advisable to adopt with respect to the Bank.

THE NEW PENAL BILLS.] Mr. *Brougham* wished to ask the noble lord opposite, whether he meant to persist in the notice he had given last night, to move the order of the day on Thursday next, for the second reading of one of the bills which he had introduced? The reason why he asked this question was obvious; because, whichever of those bills came first to be discussed, the debate consequent on it would involve the discussion of the whole system to which that bill had reference. He would ask the noble lord, whether it was a decorous proceeding towards the country, after three days notice, and occupied as they would be that evening, in an important discussion, to call on them to consider a measure which went to effect a most extensive change in the constitution of the country—an alteration greater than ever was contemplated in the memory of man, by any one act of the legislature?

Lord *Castlereagh* said, he saw no reason for altering the proposition which the House had adopted last night, namely, to read the bill (which had been printed and handed round in connexion with the others) a second time on Thursday next. The learned gentleman had, in his opinion pushed the connexion between the bills too far. The sooner they came to the discussion of the principle, the sooner they would separate the bill from all the misrepresentation with which the learned gentleman seemed so anxious to surround it, during his short speech of last night. That speech made him extremely desirous to come to close quarters on the measure, in order that the country might understand what the bill really was to which the learned gentleman and those around him attributed such fearful qualities, and that it should be completely freed from the misrepresentations that had been thrown upon it.

Mr. *Brougham* said, as there was no question before the House, he certainly had not a right to answer the noble lord, but he might be permitted to observe, that his having studiously endeavoured to surround the measure with misrepresentation, as had been alleged, so far from being a reason for rapid and immature decision, afforded the best possible ground for a short delay. The bill itself could not be affected by his misrepresentations: it might be laid in its own natural "features" as the noble lord would call them, before the public; and its provisions might then be argued by the country and the House, with that deliberation and calmness for the exercise of which the delay of a few days was absolutely necessary. If the noble lord would not listen to him—if he would not consent to that delay—then he would say to the speaker and to the House, that, in common decency, some little time ought to be allowed for them to communicate with their constituents, whose most valuable and sacred, and until now, he would have said, inalienable rights and privileges, were about to be overturned by the system recommended by his majesty's ministers.

Lord *Folkstone* said, he had gone to the proper office and got a copy of the bill; and he defied any individual who had procured it, and who had turned over one or two of its pages, to say, that he could be at all prepared, considering the labour gentlemen were likely to go through that night, and the important discussion which was fixed for to-morrow, to decide on so important a measure on Thursday. It was impossible for any gentleman who examined the bill, and saw the numerous and complicated provisions which it contained, to be prepared to discuss it on Thursday, so as to justify his conduct to his constituents, for the vote he might give. Why should a bill of such importance be hurried through the House in this manner? Was it that the people should know nothing of it until it was passed? Were they so anxious to get rid of those meetings, that the bill, which restricted the assembling of the people, was to be hastened forward, so as to prevent the people from assembling to state their opinion with respect to the measure itself? If it were hurried forward with such precipitation, it could neither be understood in the country nor in that House. He hoped the noble lord would agree to the proposition of his learned friend, and postpone the second reading of the bill for a few days.

Mr. *Bennet* earnestly wished the noble lord to put off for a short time the discussion of a measure which he deliberately and advisedly considered to be subversive of the constitution. He was most anxious, as the bill would effect such a change in the constitution, that the House of Commons should be assembled together to meet it; and he now gave notice, that he would to-morrow move that the House be called over.

STATE OF THE COUNTRY.] Lord *Althorp* said, he could most unaffectedly assure the House, that he felt more oppressed on the present occasion, than he had ever before done when the House had honoured him by listening to what he had to offer to their notice. The importance of the question struck him as very great, even when he gave notice of his intended motion; but what had occurred since—he meant the introduction of those bills, the object of which the noble lord last night stated—had increased the importance of the question so extremely, that he felt unfeignedly sorry he was the person destined to bring forward this momentous subject. He wished very much that some person more able to impress its importance on the House than he was, had given notice of the motion; but feeling it to be his most imperious duty to draw the attention of the House to the subject, and having given notice that he would do so, he begged of the House to extend to him that indulgence, while he delivered his sentiments, which they had frequently done on former occasions. On all sides of the House it was admitted, that the state of the country was most alarming. Every gentleman on the other side of the House had allowed that great cause of alarm existed, though that alarm was traced to different sources. If, then, it was agreed by all, that the country was thus situated, surely it was necessary that the House, in passing the measures which they were called on to adopt, should proceed with the utmost deliberation, and take the greatest possible pains to satisfy themselves that what they did was not only not more than was necessary, but that the measures they pursued were exactly applicable to the danger which appeared to threaten the state. It was, therefore, necessary for the House to be clearly convinced, that the existing laws were not sufficient to meet the exigencies of the time; that measures of a coercive and vigorous nature were necessary to be resorted to; and, lastly, that the bills proposed by the noble lord were those which were exactly applicable to the dangers that were to be encountered and which they had reason to hope would check it. To enable them to come to this conclusion, it appeared to him, that every possible information should be laid before the House. He did not pretend to recollect precedents, but he believed such a question was never before brought under the consideration of the House, without full information being laid on their table, to enable them to understand correctly all the circumstances connected with the situation of the country.

There were only two grounds on which the House could agree to the measures now proposed—either a perfect confidence in his majesty's ministers, a decided conviction that they would propose nothing that was not proper; or that the papers laid before parliament gave the most full and complete information respecting the state of the country. Now, with respect to the first point, he thought no gentleman would argue that measures of this kind ought to be carried merely on the principle that confidence was due to his majesty's ministers. Therefore, he inferred, that the House, in agreeing to the adoption of severe measures, ought to be satisfied that the information contained in those papers afforded a full justification of their conduct. Alluding to the papers that had been laid on the table, he should state generally, the impression which they had made on his mind. They might be divided into two distinct classes—those that referred to the period preceding the 16th of August, and those that related to circumstances which occurred subsequently to that time. The statements contained in those papers showed, that in Lancashire the magistrates apprehended considerable danger before the 16th of August. But after the meeting, Mr. Spooner wrote word, that "he was perfectly satisfied the rising was not likely to take place in that part of the country." Danger, therefore, was not then apprehended there. Lord Fitzwilliam, who was attending the assizes at York, wrote, "that there was no disposition to create a disturbance amongst the inhabitants of the West Riding of the county of York." With respect to Lancashire, an alteration seemed to have taken place since the meeting of the 16th of August. Prior to that period it was said, that a system of training had been adopted, but no mention was made of arms. But after the meeting of the 16th of August, arms were alleged to have been prepared. Since the events of the 16th of August, symptoms of irritation were observable, it was stated, in different parts of the country. Meetings had taken place in Yorkshire and in Scotland, and a simultaneous meeting, for purposes which had not before been contemplated, was spoken of as fixed for the 1st of November. He would wish to call the attention

of the House to this point, because he conceived that this also would form part of the examination which his motion would call for. It appeared, that the meeting of the 16th of August was assembled for the discussion of a particular question. There was no mention before that, that it was to be for an illegal purpose; but since then quite another character and account had been given of it. Now, he wished to impress this upon the consideration of the House, because it showed that there were chasms and defects in the information before them, which ought to be filled up, before they could well consider of, or agree to, the measures proposed by the noble lord. It would, indeed, in his opinion, be quite inconsistent with the duties of the House to pass any such measures, without the most deep and serious consideration; first, into the causes which were said to require them, and then into the necessity of the measures themselves. Disturbances were said to have taken place in Scotland: into these he would wish that inquiry should be made; for he again begged to remind the House that it would be impossible to provide any effectual remedy, unless the origin and nature of the disorders were precisely ascertained. The state of the county of Lancaster was alluded to, but it would not be sufficient that we should know what had occurred on the 16th of August, but also what had occurred previously to that time. Full and complete information was necessary in order that the proposed measures should not act merely as a palliative or a temporary, but should operate as an effectual and permanent remedy. The statements of the noble lord (Castlereagh) and of his colleagues would not be sufficient. The assertions of any honourable members could not be taken for facts in debate where the proof of those assertions was not given. The chief ground on which ministers went, was the letter of Mr. Hay, but this itself required much explanation; His majesty's ministers had since seen, and held conversations with that gentleman, and they were bound to explain what they had further heard upon the subject of the letter. Unless they did so, it was impossible for the House to form any correct judgment on it. Indeed, the statements of the noble lord (Castlereagh) were quite at variance, or at least very different from those which had been given by Mr. Hay. Mr. Hay stated in his letter, that the Riot act had been read, and the meeting dispersed. The noble lord opposite said, that the Riot act was read three times, and that one of the magistrates, in his attempt to read it, was knocked down and trampled on. Now, it was somewhat strange, that if this circumstance had occurred, it should not have been mentioned by Mr. Hay. Nothing could be more natural, than that he should have noticed this serious accident occurring to one of his brother magistrates. If then, such a difference arose between the statements of the noble lord and those of Mr. Hay, did it not show clearly the necessity of further information? The House, he contended, had a right to be informed of every thing which took place, not merely at the meeting of the 16th, but also what had occurred previously and subsequently to that period; for it was upon the whole of these matters that the measures of the noble lord were said to be founded. The House had at least a right to expect, that in forming their judgment upon those measures they should be put on the same footing with respect to information as the ministers themselves.

Another point respecting the meeting, which, in his opinion, the House should have explained, was the absence of the general of the district, sir John Byng, on the occasion. It was very generally said, and he believed it, that if sir John Byng had been present, the result of the meeting would not have been as fatal as it was. Why, then, was he not present? It would naturally be supposed that, as the commanding officer of that district, he should be at the post of danger. It was not, however, the case; but what was the cause? Why, the magistrates themselves acknowledge that sir John Byng was at Manchester on the 14th, and offered his personal assistance in case it should be found necessary; but the magistrates informed him that there was no danger, and that his attendance would not be required. Sir John Byng then said, that he would be within the reach of an express, and would attend if it should be deemed necessary. He was not, however, sent for. Now, if there was any blame to be attributed in this respect, it should be to the magistrates, who had declared the attendance of the gallant general unnecessary. At all events, the fact was one which showed a strong ground for farther inquiry, and it was, even if nothing else was concerned, due to the characters of all the parties, that such inquiry should be instituted.—

Another point to which he wished to draw the attention of the House was, that a great portion of the matter which had been laid before them was upon anonymous evidence. It might be necessary, he would not deny, that in some cases, where evidence was given of the state of disturbed districts, the names of the persons giving it should be concealed; but then, did it not look in this, and indeed in almost all cases, like the evidence of spies? Did it not seem as if some of the persons had made the evidence for the purpose of giving it? What was more natural under such circumstances than to believe that the persons who swore to the existence of pikes in several places, might have purchased them for the sake of giving information afterwards? At all events, was not anonymous testimony obtained under such circumstances to be viewed with suspicion? Indeed, it could not be otherwise, if the House recollected what had occurred on this subject two years ago. He would then put it to the House, whether they ought to pass the proposed measures on such evidence—whether they would let the matter rest on the prudence, the discretion, and integrity of such informants, as they were told gave this information, but of whom they knew nothing more than that it was said they gave it? He contended that such a proceeding would be calculated more to excite and increase, than to diminish the public alarm.

These were the reasons which occurred to him to show that a committee ought to be appointed to take the whole of the matters into consideration. One objection which he supposed would be urged against his proposition was, that it would occasion a very inconvenient delay; and another, that it would embrace an inquiry into the conduct of the magistrates at Manchester, which it was said would more properly come before another tribunal. To the first he might use the *argumentum ad hominem*, and say, that if the noble lord and his colleagues had known of those proceedings at Manchester and elsewhere before the 16th of August, why had they not called parliament together sooner? But this argument he did not mean to press, because if the House believed just grounds for interference to exist, they might fairly say, that the country should not suffer because the noble lord was to blame. He denied, however, that any inconvenience could arise on the principal measures proposed by a delay for inquiry. As to the measure which went to prevent military drillings, he would not argue. He saw in those drillings nothing of good and much of evil. With respect to the measure proposed for repressing them, therefore, he offered no opposition. But the other measures he could not consider in the same point of view. That which restricted the right of traverse to indictments under particular circumstances, could not operate until the next assizes. The delay, therefore, would not affect that. Then it was next proposed, that a power should be given to search for arms. Now, it did not appear, from any thing contained in the papers before the House, or from any thing which the noble lord opposite had said, that they had been accumulated in such numbers as to render a short delay of the measures respecting them dangerous. There might have been twenty or thirty pikes in the possession of individuals in particular places; but that, in his mind, was not sufficient to warrant the immediate passing of the proposed measure, without a strict inquiry. With respect to the suppression of meetings, he contended, that when magistrates were prepared to oppose their violence, if any, when it was seen that they had sufficient force to disperse the largest of them, it could not be supposed that any danger could result from a delay of the measures respecting them. It might or might not be necessary at other periods, to pass some of the proposed bills; but what he contended for was, that there could no danger arise at present from that kind of delay which would be necessary for the purposes of inquiry. In every state there might be some political evils, but when it was proposed to correct those evils, the measures by which that was to be effected should be seriously and maturely considered. As to the objection respecting the Manchester magistrates, he contended that it was not a fair one. He did not think that it had been properly brought against the amendment of his right hon. friend on a former evening; nor did he think it was of greater weight against the motion with which he should conclude. His motion, like the amendment to which he alluded, was made with a view to information upon those subjects in which the House were called to legislate. Those gentlemen who said that the country was in danger; that all law and authority were attempted to be trampled under foot; that

every thing which we held dear in this life and sacred in the next, were brought into ridicule and contempt;—such gentlemen surely would not contend that inquiry as to our real situation should be retarded, because something might possibly come out against Mr. Norris or Mr. Hay. Why, if those gentlemen were innocent, nothing could come out which would affect them; and if guilty, it would not be contended that they ought to be screened from the consequences of their acts. He did not mean to prejudice the magistrates in any way, but he maintained that their conduct, whatever it might have been, ought not to be placed as a bar to inquiry upon such important questions as were before the House.

He had now briefly stated his reasons why an inquiry should take place into the state of the country. He had pressed the necessity of having full information on the subjects before the House, and had endeavoured to point out the defects in that which had already been given, and to answer the objections against having farther information. Perhaps what he had urged would not be sufficient, if the House had not heard the measures proposed by the noble lord—measures which he had listened to with astonishment and deep regret. He regretted that it was not in his power to express the feelings which the mention of such measures excited, but he conceived it dishonourable and disgraceful to sacrifice the rights and privileges of the people in a case of only temporary alarm. The noble lord concluded, amidst loud cheers, by moving, "That the Papers relative to the Internal State of the Country, presented to this House by command of his Royal Highness the Prince Regent, be referred to a Select Committee, to examine the matters thereof, and to report their observations thereupon to the House."

Colonel *Davies*, in seconding the motion, expressed his regret at perceiving that his majesty's ministers anxiously seized upon the state of alarm into which the country had been temporarily thrown, in order to invade the rights and liberties of the people. He should deem himself unworthy of the confidence of his constituents, or of a seat in that House, if he did not stand forward and express his disapprobation. He fully agreed with an hon. friend of his, in expressing his surprise at the awful denunciation of the noble lord opposite. He was astonished to find the House called upon to adopt the severe measures proposed by that noble lord upon no other information than the garbled and imperfect statements contained in the papers which had been laid on the table.—Those statements were not sufficient to warrant the House in supporting the proposed measures. The papers in question afforded ample evidence in support of an observation made by an hon. baronet on a former evening, that if the law had been stretched beyond its proper limits, it was the fault of those whose duty it was to put it in execution. Were the House to shut their eyes on what was passing around them? were they to view with unconcern the demand made for a greater extension of power than was ever before vested in any ministers? It appeared from the papers before the House, that there was a design on the part of ministers to introduce despotism, and to trample on the liberties of the people. If there were any doubt on that point, the approval by the noble lord opposite of the principles laid down by the right hon. member for the university of Dublin was sufficient to remove it. That right hon. gentleman had urged, that if magistrates entertained a fear that the public peace was to be disturbed by the assemblage of large bodies of people, they had a right to disperse them, and if blood were shed in consequence of such a proceeding, the magistrates would be justified. This opinion was hailed with enthusiasm by the legal gentlemen on the other side of the House, and re-echoed with enthusiasm by the noble lord himself. The papers on the table were, in his opinion, an argument against, rather than in favour of, the measures of ministers. It appeared that government had been aware of the fact, that training had been carried on to a considerable extent—that they knew of large bodies having been assembled for this purpose in different places—that it was difficult for persons to pass about their ordinary business without being interrupted by these men—and yet no measures were taken to prevent such proceedings [Hear, hear!]. The papers were also evidence that arms were openly manufactured and disposed of in different districts, and yet no steps were taken by the magistrates, who were vested with the power, to prevent it. He was aware that such proceedings ought to be stopped; he felt, too, that the wild spirit which had gone abroad ought to be repressed; seeing that it

tended to demoralize the people. If the law was not strong enough to do this, he was willing to arm it with additional power —with power sufficient to crush disaffection wherever it appeared. But let the House examine the measures proposed as a remedy. He, for one, dissented from them, as he considered them calculated to subvert the constitution. But, as if these measures were insufficient to suppress disaffection, ministers called for an additional armed force! Let him, however, ask the House what it was which caused this discontent aed disaffection? They could not conceal from themselves that an excessive load of taxation was the cause. This it was which caused the distress and misery which were to be found in all parts of the country. And, with this fact before their eyes, were the measures of the noble lord the best mode of redress? If the people complained of their sufferings, were they to be answered by military execution—if they remonstrated, were they to be told that their only answer should be the bayonet? It appeared that government having once drawn the sword, were determined to throw away the scabbard. If the manufacturing districts were in a state of rebellion, and were to be ruled with a rod of iron, how, he would ask, was such a system to be supported by military force? It was impossible to go on in such a manner without subverting the constitution. It was taxation—taxation unequalled in the annals of history—which reduced the country to this miserable situation. They had at present a revenue which was decreasing at the rate of five millions a year: though new taxes were added, still there was a decrease. Was this a system which could support measures of coercion? If ministers were desirous of relieving the wants of the country—if they showed themselves not inattentive to the feelings and distresses of the people, they would, instead of adding new taxes, practise economy and retrenchment in every branch of the public expenditure: but there never was a set of men less inclined to do this than the present ministry. He had a short time since occasion to look into the department of the military establishment, and he was sickened at heart to find the degree of extravagance which was carried on in all its branches. The expenses in that department were, now that we were in the fifth year of peace, double what they were in 1806. The salaries in the different offices were double what they had been at that period. This showed that there was something radically wrong in the present system. He did not wish to resort to the cant term of reform, but it was evident some revision was imperatively necessary. He had heard the state of this country compared to that of France prior to the revolution. At that period France laboured under the most arbitrary despotism, and the revolution was hailed as the dawn of freedom. If the French government had not been deaf to the warning voice of public opinion—if they had attended to the interests of the people, that dreadful scene of bloodshed which ensued would not have taken place, and the unfortunate monarch of that country would not have terminated his existence as he had done. Was this country to go on without being made wiser by experience, until the dreadful lesson was brought home to them. If ministers persevered in the measures which they had acted upon, then it required no great spirit of prophecy to foretel that it must end in a despotism. The hon. member concluded by giving his most cordial support to the motion of his noble friend.

Mr. *Bathurst* opposed the motion, and expressed his great regret at seeing the noble lord lending himself to such measures as those which he now advocated. It was with regret he saw those most respectable gentlemen who formed what was called the Opposition, pursuing their present course at a moment when the state of the country was such as to require the united efforts of the House to restore it to tranquillity. If the noble lord and his hon. friends conceived that by their present course they would conciliate the radicals, whom certainly they did not defend, but whose conduct they endeavoured to prevent the House from inquiring into—if they imagined that they would conciliate those men, they would, he thought, find themselves much mistaken. The House, he contended, stood pledged by the address, which was voted, to the opinion that those persons called radicals were wrong, and that their proceedings ought to be put down.—The right hon. gentleman here adverted to, and repeated several passages in the address and amendment, and contended, that by them, all parties in the House were pledged to give their aid, collectively and individually, to repress those practices which were complained of as disturbing the state of the country. It

was admitted on the other side of the House, that a great degree of disaffection existed, for it was asked why had not ministers put down illegal meetings, drillings, &c.? Now, if this state of the country was admitted (and it was proved by the testimony of magistrates and grand juries in more counties than one), upon what ground, he would ask, could those measures be opposed which only went to put down such proceedings? The right hon. gentleman then took a review of the practices of the seditious, of the prevalence in many places of blasphemous and seditious doctrines, and described the danger which was likely to accrue to society by suffering them to remain unchecked. Was it, he asked, a time, when such things were admitted to exist, to stop measures calculated to suppress them, by calling for information which ministers could not properly give? His majesty's ministers could not lay all the information they possessed before the House; but the question was, whether they had not laid sufficient for the measures which were called for? With respect to the Manchester proceedings, he maintained that they ought not to come before the House, because, as far as inquiry was necessary respecting the magistrates, it would be better carried on in a court of law. It was not pretended that all the information which ministers possessed on this subject was laid before the House, but a sufficient portion was given. The right hon. gentleman then observed, that the Riot act was first read by Mr. Ethelston, a second time by Mr. Sylvester, and would have been read at the hustings by Mr. Trafford, if the confusion had not prevented it. The reading of the Riot act was not, however, of that importance which hon. gentlemen opposite seemed to consider it: for though the provisions of the act were destined to apply to certain emergencies, they by no means did away with the provisions of the common law, which, when a riot actually had commenced, allowed the magistrates to disperse it before the expiration of the hour. It had been argued, but the argument had been well answered on a former occasion, that the House ought by all means to institute an inquiry into the conduct of those who called, of those who attended, and of those who put down the meeting. He allowed that an inquiry might be necessary, but then it ought to be conducted before the usual tribunals of the country, and in the usual manner in which other offences were investigated.—The noble lord had divided his subject into two parts, and had discussed separately the events which had occurred before, and those which had occurred after, the 16th of August. Now, he did not see what reason there was for marking that day so expressly, as the same system was in existence both before and after it, and was productive of the same alarm to the loyal inhabitants of Cheshire and Lancashire. The noble lord had also shut his eyes to the danger which arose from another quarter, and had almost argued that the people had no pikes, because the blacksmiths who made them had not been discovered and prosecuted. He had also said, that there had not been arming among the people till after the 16th of August: if that circumstance had been correct, it might have looked something like an argument, but unfortunately, it was sufficiently notorious that there had been arming before. The people had been taught to march in military array; they had been instructed to wheel, to form in column, and to go through other military evolutions in large bodies: and, would any person say that, with arms in their hands, these men, though not capable of contending with regular forces, would not be excessively formidable? For his own part, he believed that the object which they had in view was to plunder and destroy; and in this belief he was confirmed by the declaration of more than one bench of magistrates, and one grand jury. True, it might me, that this was not the object of them all; that their leaders might have one view, and their followers another; but still, was it not clear, from their simultaneous meetings, that, if plunder was not their object, they intended to carry some grand political purpose? What could that purpose be, except the total subversion of the government, and all the existing institutions of the country? Their intention evidently was to intimidate the sovereign and the two Houses of Parliament into an acquiescence with their designs, by the display of their numerical power; and, if that failed, to carry them into execution by the exertion of their physical force, or, in other words by force of arms. Could, then, the House ask to have a fuller exposure of the views of these infatuated men, than that which had been afforded to it by the papers now upon the table? The noble lord had also wished to inquire why sir

John Byng had not been at Manchester on the 16th, personally to superintend the employment of the military. A sufficient answer to this point was, that sir John Byng had previously made all the necessary arrangements for such an occurrence, and had left the troops under the command of an officer in whom he could place implicit confidence. The noble lord had likewise confessed the dangers to which the country was at present exposed, and the House had pledged itself to find a remedy for them. Now, considering the state in which the nation was at present situated, the time which an inquiry into all these points would consume, would be so long as to make him vote against instituting it, especially if the remedy which the danger required was not, according to the noble lord, to be administered until the inquiry was concluded; though at the same time it was only fair that he should repeat his conviction, that such an inquiry ought not to be allowed, even though it would not continue for more than a single day. Indeed, he thought that the government, so notorious was the system now existing in the disturbed districts, might have said—"We will put a stop to it," without making any inquiry at all.—The noble lord had declared, that he was not satisfied with the statements which were now before the House; because the names of the persons (who, he ought to recollect, had made them on oath) were not given to the public. The reason why the names were concealed was, that if they were known, the lives of those who bore them would be placed in the most imminent hazard, even though they were brought up to London for the purpose of being examined: the names, however, of one or two of them were stated, and in all cases the names of the magistrates who had taken their depositions.—The noble lord had seemed to think that the county of Lancaster was the chief focus of all this disaffection and sedition, and had argued, that because the magistrates had dispersed the numerous meeting at Manchester with a small military force, more troops were not wanted; but, was it not probable, that as the reformers had been once dispersed by a few soldiers, indeed by not more than thirty or forty of the yeomanry, they would take care not to be so easily dispersed on a future occasion? This was rendered more than probable by what had occurred at a recent meeting at Burnley. There a large multitude had met, many of them armed with pistols, and most of them with staffs, in which a socket was made for the reception of a pike-head, which they likewise carried in their pockets. Now he would ask any hon. member, whether it was possible for any magistrate, without the assistance of a military force, to have put down this meeting, confessedly illegal, armed as those who attended it were, with pistols and with pikes? But were these all the facts which were at present before the House? Was there not the declaration of the constables at Manchester, stating their opinion regarding the inefficiency of their police? Was it possible that society, to say nothing of commerce and the ordinary transactions of life, could continue to exist, whilst such a horrible system remained in action? What would the hon. gentleman opposite say to the various attempts which had lately been made at assassination? Were they not aware that two public officers in the prosecution of their duty, had had pistols fired at them, and that at Manchester a constable had been absolutely stoned to death? Were they not aware that this method of intimidation had been extended from the manufacturing to other districts? Did they not know that attempts had been also made to assassinate the mayor of Newcastle? Could they believe that such endeavours to intimidate would not be extended, unless they were now checked? Was it a thing of little importance, that if any tradesman or publican exerted himself to preserve the public peace, not indeed as a yeomanry-man, but as a special constable, he was deprived of all custom, and found his business entirely ruined? There was, indeed, a case before the House which showed, in a strong light, the state of the kingdom—he was not now alluding to the meeting at Manchester, or to any of the meetings in Cheshire or Lancashire, but to the three distinct meetings which had been held at the same place near Leeds. There the magistrates had waited till some outrage had been committed. [Cheering from the Opposition.] He would give the hon. gentlemen the full weight which they wished to derive from this admission, and he would then ask them, whether it was either right or expedient that whenever a public meeting was called, the magistrates should be compelled to be upon the alert with their special constables, and to have no military force at hand to back them? And

yet, what would now be the result, if this was not the case? The House might easily judge by referring to the papers which were placed before it; for it was in evidence, that at Glasgow it was nothing but the military that prevented an attack from being made upon the lives and property of the loyal inhabitants. Was it not well known (and he really thought that the public press had disgraced itself by inserting the speeches of those radical gentry), that public discussion had been held regarding the time when the people ought to rise, and that denunciations had been made of certain individuals for not following up the successes which they had achieved? When this was nothing more than a bare statement of facts, how could hon. gentlemen come forward and say, that the House was in want of farther information? The right hon. member then said, that he could wish the noble lord, or any of the friends who surrounded him, to explain what they meant by the term conciliation, which they were so much in the habit of using. A right hon. gentleman had, on a former night, spoken in most decided terms of reprobation of the agitators who were now disturbing the state, and had condemned with great eloquence the principles on which they acted. Now, he should be glad to know, whether the right hon. gentleman wished to conciliate by granting concession to their principles, or alleviation to their distress? If concession to their principles was the meaning which was to be put on conciliation, how much of his own principles would he give up to them? Would he advise the House to grant them, not indeed what they asked, but what they did not ask—moderate reform about which they professed themselves indifferent? If it were granted, did he think that it would satisfy them? Was he not, on the contrary, quite positive that they would say, "We have a right to more, and we will not rest till that right is fully granted to us; it is not sufficient that you have granted to Birmingham, to Leeds, to Sheffield, and the other large towns, the power of returning members to parliament, and that you have diffused the right of suffrage more generally through the counties —you must grant us all we demand, or never will we rest content and satisfied?" If this was true—and he maintained that it was—nobody could doubt that concession to their principles would be of no avail. Then, as to the alleviation of their distress: and here he could not help expressing his conviction that the disaffection which existed in the manufacturing districts was much greater than the distress; and that though distress might have originally enlisted many under the banners of disaffection, they would still remain disaffected when the distress was taken from them. If, however, the people were distressed, and the house intended, and was able, to conciliate them by relieving their distress, for God's sake let them set about it, as soon as ever the way was clearly and distinctly pointed out to them. He had to apologize to them for the length at which he had addressed them [Hear!] but he had been led to say as much as he had done, because the motion of the noble lord was calculated to paralyse the spirit which the House had so lately evinced. He had consequently felt it to be his duty to implore them to go into the consideration of the measures which had been proposed to to them without instituting a previous inquiry. If they were too strong, they could be altered; or if they were incorrect in any of their minute details, they could hereafter be corrected. The House was bound to redeem the pledge which it had on a former evening given to the crown, it was bound to give instant vigour to the law, because that vigour was calculated to prevent the employment of a military force; but till that law received that vigour, nothing else but a military force could preserve the tranquillity of the country. He had not said any thing upon the seditious and blasphemous publications which had lately emanated from the press, because the noble lord had not disputed the existence of them, and because the House appeared sensible of the general danger arising from them. He concluded by again conjuring the House to adopt the measures of vigour which had been proposed to them, and by reminding it, that nobody could justly complain against them, except those who expected to suffer by their operation.

Sir *M. W. Ridley* said, that the motion of the noble lord was for the reference of certain papers to a select committee, and that if any thing had been wanting to convince him of the necessity of such a measure, it had been just supplied by the speech of the right hon. gentleman opposite. He had expressed his surprise at the conduct of those gentlemen whom he denominated the Opposition, and had as-

serted that the country would participate in it; but he would take the liberty to inform the right hon. gentleman, that the country now looked up to the opposition, with the utmost confidence, on account of the resistance which they had given to the late and the present most mischievous acts of government. That resistance was not made with any view of giving any support or countenance to the radicals as the Whigs had as little cause to like the radicals as they had to admire the ministers. The reform which the radicals sought to obtain was, what would lead to the subversion of the constitution, for it was annual parliaments, universal suffrage and election by ballot; but would any body say that a single individual could be found to advocate such sentiments on the bench where he was sitting? The hon. baronet then proceeded to argue, that the call for inquiry which had been heard in every quarter of the kingdom, made it an imperative duty upon the House to institute it, and ridiculed the assertion that it was already making in the courts of law, when the only single point which was before them was Hunt's trial. He also inferred the peaceable disposition of the people in the neighbourhood of Manchester, and their willingness to submit to the constituted authorities of the country, from their not attending the meeting convened for the 9th of August, because the magistrates had declared it to be illegal; and asked, if the meeting of the 16th was so manifestly illegal as it was now contended, why the magistrates had not issued, as they had done regarding the intended meeting of the 9th, a proclamation declaring its illegality. The peaceful demeanour and willing obedience to the laws which they had then exhibited, was such as would lead him to oppose the vigorous measures recommended to the House, until he was convinced of their necessity by the granting of an inquiry. That inquiry was rendered more particularly necessary by the precipitate vote of thanks which had been given to the magistracy, and which was not to be justified by any of the precedents which ministers had adduced to defend it. The documents on which they had been called to enact severe and coercive measures, proved that the disaffection was only local and temporary. It was therefore too much to ask of the House, because dissatisfaction, and, for the sake of argument he would say, disaffection prevailed in certain districts, to place the whole country out of the pale of the law, and to subject all the inhabitants of England to a system of persecution. [Loud cries of "hear."] He repeated, to a system of persecution—for to what else could these new enactments possibly lead? The hon. baronet then alluded to Mr. Bathurst's declaration that he did not know what meaning his noble friend attached to the word "conciliation." He would tell him, though he could not do so without expressing a wish that conciliation was a little more in the mouths and hearts of his majesty's ministers, as they would find it better calculated to preserve the peace of the country, than all the coercive measures which they had latterly adopted. Conciliation, then, was to show the nation, that, while they made laws to coerce the disaffected, they would exhibit every readiness to receive the petition and redress the just grievances of the people—that they would use every endeavour to relieve their distress, and alleviate their burthens—that they sympathised in all their woes, wants, and calamities—and last, though not least, that they were willing to take the subject of parliamentary reform into immediate consideration. [A laugh from a member on the ministerial benches]. Some persons might think the latter subject of little importance; but he could assure them, that during the last twelve months reform had made such an impression upon the middling classes of society, that not all the arguments of the gentlemen opposite, nor all the eloquence of a right hon. member of the cabinet, who was generally very eloquent upon that topic, would be able to remove it, unless indeed ministers would show by their *future*, what they had not shown by their past conduct, that reform was not so necessary as had hitherto been supposed.

Mr. *Long Wellesley* said, he had heard with the sincerest regret a violence of language on the other side which before that time he had but seldom been under the painful necessity of attending to. He did think, that the noble mover had pledged himself to sentiments not quite in unison with those he had heard from him on former occasions. He adverted to the former arguments of the Opposition against committees of inquiry, and wondered how they could now adopt the entirely opposite course, of recommending what they had hitherto so strenuously objected to.

One right hon. gentleman carried his opinion so far, that on the proposal for a committee of finance last session, he had declared it was no better than a packed jury, and could produce no desirable result. The hon. gentleman went on to show, that no advantage could arise from agreeing to the motion, nor would it allay the ferment in the country. The documents laid before them proved this plain fact, and it was supported by every legal and other authority which had been called on to deliver an opinion, that an alarming state of disaffection existed. This was the spontaneous and unanimous opinion of all the honourable men, in whatever capacity, called upon to inquire into the situation of the country. They therefore stood in need of no committee to ascertain this fact. It seemed to him that gentlemen opposite had abandoned the main point at issue; at least he was sure it was so considered by all the magistrates with whom he was in the habit of acting, who thought that the great question for the House to decide was, whether the Manchester meeting was legal or illegal, and especially which character the conduct of the magistrates bore. But as they had blinked these subjects, he was inclined very much to doubt the pretensions set up by the gentlemen on the other side to a superior knowledge of the public opinion. If they had possessed this, they would have come fairly forward, and not have yielded, as they had done, the principal matters at issue. The hon. gentleman then went into the assertions which had first appeared in the public newspapers, and were re-echoed by the Opposition, and contended, that if these had been true, there would have been much greater inflammation than there really was. An hon. baronet the member for Southampton, had detailed to the House the hair-breadth escape with his life of a reverend divine, who had been prompted, by a very pardonable curiosity to see Hunt, to attend that meeting; whilst another hon. baronet had descanted on the atrocity of the attempt made by the yeomanry to surround with a cordon of troops the hustings, on which that agitator with others stood. A third member had endeavoured to raise an argument upon the throwing out a bill of indictment against one of the military, as having been thrown out through a technical informality. The House had not betrayed any serious commiseration for the case of the curious friend of the hon. Baronet, nor suffered itself to be shocked at the atrocity of surrounding these inflamers of the public mind, and the assertion had been very satisfactorily contradicted and disproved by a noble lord, the son of a Whig lord lieutenant that this indictment had not been thrown out for informality, but for want of sufficient matter alleged. Hon. gentlemen could not but see that no proposition was less likely to terminate in any beneficial result than that of rendering that House, composed of so many members, and incapable of examining witnesses on oath, a court for the exercise of any thing resembling judicial inquiry. No place could be so well adapted for that species of inquiry, in his mind as courts of law, where the witnesses gave their testimony and the jury its verdict upon oath. He most sincerely felt that there was no circumstance which could tend so directly to keep up the agitation and alarm which now existed throughout the country, as a display of any hesitation on the part of the House to adopt some well defined and salutary restrictive measures; as its natural result would be to convince the public that parliament was not as yet aware of the spirit which was abroad, or the dangerous designs of the disaffected.

Mr. *Douglas Kinnaird* rose at the same moment with several members, but the courtesy of the House gave the precedence to the hon. gentleman as a new member. He said he was anxious to raise his voice that night in behalf of the suffering people of this country, while yet they had a constitution; for after that night, he feared, they would be without the shelter of such a blessing. He was little acquainted with the forms of the House, but he thought, that when a communication like that lately made from the throne came under their consideration, it ought to be discussed in the most formal manner, and with that temper and deliberation which would at once show the best regard for the Crown, and become the character of the representatives of the people. He felt that the ministers of the Crown were in a most responsible situation—his alarm at the existing state of affairs was great, and increased it must be, if, by the event of this night, he was driven to the melancholy conclusion, that prejudice and passion got the better of the judgment of the House of Commons, and that they were prepared to take for granted the assertion of ministers as to

the state of the country, though that assertion was flatly contradicted by a variety of evidence. He felt the utmost pain at hearing a sweeping charge of sedition and impiety levelled against the great mass of the people of England. From the best authorities the House knew that the people were suffering under the weight of the severest distress; it was singular, then, to think that instead of seeking the means to remove this distress, they should at once plunge into the abyss of impiety, and endeavour to subvert the whole moral order of social life. He could never believe the people capable of such fatal and useless misconduct, and he was the less inclined to believe it, now that he saw the proposition utterly untenable from the evidence in the papers laid before the House. On the part of the people of England, therefore, he protested against those fearful accusations. It was singular that if the people, as had been stated, were ready for plunder, and only wanted the opportunity of carrying their intentions into effect, the gentlemen of the country should leave their homes, around which, if the danger were real, they would assemble their friends and tenants, to save their families and property from ruin and devastation. The hon. member then proceeded to enforce his opinion, that no such danger was apprehended, by alluding to the earl of Derby's inability, according to his letter to lord Sidmouth, to arm a battalion of yeomanry from the gentry of the county, even though the letter was dated one month after the occurrence at Manchester. He had every reason for thinking that much exaggeration prevailed respecting the designs of the people, even where the highest irritation prevailed. Pikes had been spoken of, but on authority that he thought questionable, because it was anonymous. He would presume to suggest to ministers the adoption of conciliatory rather than coercive measures, and to appease rather than exasperate the people by sowing mutual distrust among the different classes of society. The people, he believed, held together, and relied much on each other's support at the present crisis—[Hear, hear! from the ministerial benches].—Gentlemen might cheer, but were the people less likely to confide in each other when they were placed out of the pale of the law? He much feared that ministers relied too much on spies, and had created a system which was calculated to delude them. On a former occasion they had been told that a dreadful toast had been given in a company of the disaffected. Dreadful indeed it was—"May the last of kings be strangled with the entrails of the last of priests"—and yet it ultimately appeared that this toast was given by Castles the spy, and received with disgust by the company upon whom it was obtruded. This was the spy who was decked out in good clothes, and produced in a court of justice in the hope of his imposing upon a jury. The hon. member then commented upon lord Castlereagh's speech in support of the intended measures—a speech which was well described as touching less upon the privileges that the new bills meant to take away, than upon those which they left. The noble lord had rather unfairly attacked the female reformers when he described their political interference as unprecedented in the history of this country. Did not the noble lord know that during the elections for Westminster the ladies were always prominent—and that even in the last election a ladies committee had actually been formed in favour of a particular candidate? Petitions had frequently been presented to that House from ladies, and duly answered by parliament. Lord Clarendon described the circumstance of a petition being presented to the House of Commons by five thousand of the wives of the citizens of London, Southwark, and the adjoining suburbs, and couched in very remarkable words. The petitioners addressed the House in behalf of their husbands, who were taken from them and imprisoned, and their estates seized in the most arbitrary manner. They prayed to be eased of their grievances, and protested in their frail condition. These females, in emphatic words, exclaimed, "See our husbands imprisoned from us, our children dashed against the stones, and our infants blood flowing in the streets." This petition was answered by Mr. Pym—the females pressed up the stairs of the House, and as they were importunate, the trained bands were at length called out and ordered to fire upon them, which they did, and the women, in the words of the historian, nothing daunted, cried out, "Peace, peace!" He hoped, by showing this precedent, and alluding to others, he had divested the noble lord's speech of any importance which attached to it from his observations respecting the novelty of the acts

of the female reformers. He was ready to admit, that the state of the country was in many parts alarming, but the evil he feared would be aggravated by coercive measures: a relaxation from taxation would alone allay the irritation which unfortunately prevailed among the labouring classes. On the subject of parliamentary reform many opinions might prevail, without the holders of them being liable to any imputation of criminality. The duke of Richmond's plan of reform had received the sanction of Mr. Sheridan, and though Mr. Fox did not go the same length of supporting it, he yet admitted it to be the ground-work of a better system than the then existing one. There was certainly a prevailing error, that only one mode of reform ought to be adopted; though he might dissent from such an opinion, he yet saw nothing criminal in those who held it, nor any reason why they should be held out as seditious and disaffected to the country; and he also thought that although the people put their claims forth in a certain shape, it was by no means a corollary that they would be satisfied with less than they asked. If they saw a disposition to concede, there was no doubt they would not be inflexible in their demands. The hon. member quoted, in support of this opinion, a resolution passed at one of the late popular meetings, which expressly called called upon the higher orders to join the lower, and avowed that an alienation of the rich from the poor would be the ruin of both. The hon. member concluded by earnestly conjuring the House to adopt a system of conciliation as the mode best calculated to allay the existing ferment among the people, and most consonant to the feelings of humanity and justice.

Lord *Lascelles* rose to state a circumstance which had been communicated to him by general Byng, to show the first intention of the magistrates at Manchester respecting the intended meeting of the 9th of August. The general had called upon the Magistrates when that meeting was announced, to inquire if they wanted his assistance or that of the military for the occasion: The magistrates answered, that they did not apprehend any danger, and would not require the proffered aid. The general apprised them, that he would remain in his own house, and not quit the immediate neighbourhood, until after the meeting of the 16th; in order that the magistrates should, if necessary, have an opportunity of sending for him. Now no message came to the general, and the fair conclusion was, that the magistrates had no intention of dispersing the meeting until the morning of the day when they saw the entrance of the concourse of people into Manchester, and their numbers and nature. So much for the general intentions of the magistrates prior to the meeting. The present question was, however, whether the House could enter into the consideration of ulterior measures without a select committee. Of the Manchester transactions, and the acts that occurred on the 16th of August; he knew nothing. [Hear, hear! from the Opposition benches.] When he said this, he begged not to be understood as condemning them, he meant to pronounce no opinion whatever. He was ready to believe, that the origin of the disorganization in the country was in the distresses of the people.—When parliament last broke up, the manufacturing part of the community were in a state of unexampled distress. Advantage was taken of their situation by designing men, and the idle people attracted by the force of novelty from one meeting to another, were unfortunately led, step by step, to the habit of listening to the doctrines of itinerant orators, who gave them neither rest nor repose.—What he most lamented was, that among those deluded characters there were many honest well-meaning men, who were artfully drawn into the schemes of others, and seduced into the sacrifice of their characters and their safety. Such men were, he knew, not ripe for rebellion; though he knew there were others of a different description, and who formed an immense class in the scale, who were ripe for insurrection. A sort of infatuation appeared to prevail, and there was no chance of ever getting rid of the difficulty so long as itinerant orators were suffered to perambulate distant parts of the country, and excite that idle curiosity which every one acquainted with the manufacturing districts must know prevailed to an extraordinary degree. If this system was suffered to continue, the manufactures of the country would be rooted out—and the wretched population who now complained would consequently become the first victims. He was willing to admit that even if the proposed laws were enacted, still a number of heavy privations must remain to be endured by the people. Though their trade must re-

vive, and though they must always have an ample portion in the mercantile traffic of Europe, still he feared that a number would remain unemployed, or at best but inadequately paid for their labour. It therefore required all the calmness and energy of the country to enable the people to work up against their difficulties, and to meet them in the manner which was best calculated to retrieve their situation. He denied that ministers had grounded their proposed measures on the general disaffection of the people; on the contrary, they had declared them necessary for the protection of the sound and loyal part of the community. A distemper had certainly grown in the state, which must be eradicated or else it would infect the whole of the community. It was agreed on all sides that something must be done to prevent the growth of disaffection and impiety. When this admission was generally made, he lamented that the gentlemen opposite should confine their views to one side alone of the question. With regard to what had been said by the hon. gentleman who last addressed them, he could not agree with him, that they were called upon to legislate merely against impiety and sedition. They were called upon to protect the sound, the honest, and the laborious,—and not to allow a distemper to spread which would destroy them all.—Were they to sit still while mischief did its work?—No. Something ought to be done. He did not pretend to define what that should be, and it was a fair proceeding to discuss the measures proposed and examine if they were calculated to effect what was desired. But he could not help lamenting the tone adopted by the gentlemen on the other side—a tone entirely coinciding with one view of the subject, presuming on the Manchester business, according to strong prejudices which they seemed early to have imbibed, and inflaming their minds by looking only at the bearings of the question as it favoured their inclination. It was thus that the measures offered to the House came to be characterized as harsh and oppressive; as if none but those whom these measures affected deserved their care—as if the peaceable and industrious were nothing, and the licentious and discontented every thing.—Alluding to the comment that had been made on lord Derby's letter, and the non-filling up of the regiment within a month after, his lordship observed, that this had also happened in other places, but it was not because great alarm was not felt, but from other causes. What he most lamented in the present dangerous times (dangerous they were if tampered with) was any disposition to see one side of the case only, as, if such a course was persevered in, he greatly feared the consequences would be such as were not intended by those pursuing that course. One of the principal means employed for the introduction of dangerous principles into the minds of the rising generation was, the establishment of schools, in which children were instructed in impiety, and brought up with a total disregard of religion. Another feature in the progress of corruption and disaffection in the country, was seen in the Union Societies, which were in plentiful existence in every populous town in the kingdom. He himself had heard it lamented by some of the leading members of these societies, that the gentlemen of the neighbourhood would not join their body and enter into their views. And what was the object of these societies? They laid claim, as a right, to nothing less than universal suffrage, annual parliaments, and election by ballot! To reprove such ignorance would be no simple matter. It was to the poisonous sources from whence they derived these notions, that the remedy must be directed. It would be almost incredible to those who had not been witnesses of the fact, the pains that were taken, and the means that were put in practice, to circulate irreligious tracts and other publications, which were of a nature equally deserving of being proscribed. There was a regular system of carrying them into the houses of persons who otherwise could never have read them. It thus happened, that the labourer, after returning from his daily work, would set about, and read from beginning to end, these tracts; and this he would do day after day, till he actually had them by heart, and to this was to be attributed that clear explanation on these subjects, which excited the surprise of many who had been in situations to be brought in contact with them. He thought a line might be drawn, and he hoped prudent men would draw a line, between the disaffected demagogues and the persons who listened to them through curiosity.—But he did not think it prudent, in the present state of the public mind, to use any concession. He thought,

if the unanimous opinion of the House was, that the people should be allayed by endeavouring to show them the delusion under which they laboured, it would have a great effect on their conduct.—Every one knew, that these men were deluded, to the ruin of themselves and families. The proper course for the House to adopt was, to express an honest indignation at the conduct of those persons who sat the people in commotion. He would conclude by saying, that any attempt to support the errors of the people would be productive of ruin to themselves, and of injury to their families.

Mr. *Bennett*, of Wiltshire, rose with considerable diffidence to offer his opinion to the House. He had never had the honour of addressing it before; but, although he had always considered that it contained a great majority of the wisdom and talent of the country, yet he conceived it to be his paramount duty not to be silent, if, by the exertion of his small voice, he thought he could advance any thing for the interests of his country. He had listened, with great attention, to the arguments which had been used in the course of the several nights debate on this occasion, and his conviction was, that a committee should be formed on the papers at present before the House, before it passed such strong restrictive measures as had been proposed to them. He begged of the House to consider that the measures of restriction contemplated, applied to the whole country, whereas the seditious turbulence which originally called for them was confined to only a few districts. He would give full credit to all that appeared from the papers on the table; but he conceived the House was asked to go a great length, when they were called upon to agree to coercive measures without any other information. If disorders existed in some parts of the kingdom, should the House be called upon to agree to measures which would extend to the entire kingdom? He would compare the House, if it so acted, to a physician, who applied a remedy without knowing the cause of the disorder. He believed the causes of the present discontents might be attributed to the opinion which the people entertained, that their wishes were despised, that their petitions for reform were not listened to. To these causes one part of the disaffection might be attributed. But the distress of the productive classes was a more powerful cause. Every person knew that the people were all but starving, and that starving people were the readiest to receive the poison of these mountebank orators. He would say there was not a county in England more attached to the constitution, and more opposed to the mountebank orators, than the county which he represented. Instead of passing coercive measures, the government ought to devise means of procuring food for the people. He felt convinced that some further inquiry was absolutely necessary, before such restrictions on the liberty of the country as had been proposed, could be honestly sanctioned.

Lord *Milton* said, that although there was nothing in the early part of his noble friend (lord Lascelles') speech, in which he did not agree, yet he thought his noble friend had fallen into the error of which he had accused others, of viewing only one side of the subject, as he was prepared, not only to vote against the motion, but to vote for all the bills which had been brought in. The vote which was now proposed to the House comprehended the events at Manchester, events which, of all that he remembered, were the most unfortunate, and called the most loudly for parliamentary interference. Much obloquy had been cast on himself and his friends for their conduct with relation to these transactions. If they had not felt that the constitution was at stake, no earthly consideration would have induced them to interfere. It was not affection for the leaders of the Manchester meeting, or its objects—it was not even sympathy for the blood that was shed, but a conviction that by the conduct of the yeomanry, sanctioned as it was by his majesty's ministers, rights the most important had been called in question. It certainly did make a difference whether the meeting was legal or illegal. If it was illegal it was to be dispersed according to law. He did not say, that if force had been used by the meeting, it might not have been met by force, but it remained to be proved that any violence originated from the people. He called to the recollection of the House the letter of Mr. Hay, written on the eve of the transaction, which confirmed all the suspicions he had entertained. The ministers indeed had said, that this letter was not a fair and full account, but that they were enabled to give it out with other information which explained the matter to their satisfaction, though they had taken care not to

communicate it to the House and the country. Mr. Hay says, that "while the cavalry was forming, the most marked defiance of them was acted by the reforming part of the mob." From this two things appeared, first, that all the mob was not of one description, and in the next place, that the marked defiance was all that the mob could be charged with—which was something very separate from what followed. It was in fact as manifest from Mr. Hay's letter as negative proof could be, that there was no attack on the side of the people. They had been told indeed in that House, that the Riot act was read by Mr. Silvester, who was trampled under foot, and by Mr. Ethelston, from a window; but why was not the proof laid before them? Why were they to accept as evidence of this the word of a minister? That the yeomanry originated the violence seemed to him evident, but there was no proof that they did so by order of the magistrates. In following Nadin, the yeomanry pursued the orders of the magistrates; but in their subsequent conduct there was no evidence that they acted under command. "In the mean time," says Mr. Hay, "the Riot act was read, and the mob was completely dispersed, but not without very serious and lamentable effects." Let them only look how important it was to Mr. Hay's case for him to say (if he had been able to say it), that the yeomanry han been previously attacked; but not a word was there of this. He had conceived that he should have found more friends to an inquiry into these transactions in the House. At York he imagined that gentlemen of both parties pledged themselves to demand an inquiry; and he could not help thinking that they must still feel awkward under their implied pledges. They were now told of an inquiry in courts of law. But, when all the trials now pending in the courts, Mr. Hunt's, Mr. Owen's, and even the information against an hon. baronet (sir F. Burdett) were decided, the conduct of the yeomanry and magistrates would not have been subjected to any investigation, and we should still be told, that the magistrates were most anxious for inquiry. An hon. gentleman, the member for Dover, had said, that the magistrates were anxious for inquiry, but nothing satisfactory, it was said, could proceed from an inquiry before a committee up stairs. He differed with those who said so. Would not an inquiry by such a committee lay grounds for a subsequent and solemn inquiry, if such should be deemed necessary? If, on the other hand, the committee found that the conduct of the magistrates did not demand an inquiry, they would state that fact to the House; and such declaration from such a committee would have great weight with the country. That inquiry, he thought, was due to public feeling as well as to public justice; the more so when he considered the nature of those measures which were last night introduced by the noble lord—measures which, in his mind, were sufficient to abolish the constitution. He agreed with an hon. gentlemen who had that night addressed the House for the first time, that if those measures were made the permanent law of the land, it was impossible that public liberty should survive. Those measures, it appeared, were intended not merely to put down what were called dangerous opinions in this country, but others—they were not intended for England alone, but for other countries—for Germany, for Italy, and for France. He confessed he felt alarmed for the liberties of England, when he saw an endeavour made to shape her constitution and her laws to the views of foreign governments—of crowned heads, who ruled their subjects by other maxims than those of liberty—of Prussia, who promised a constitution to her people, and then broke that promise in the hour of security, with the same facility with which it was made in the hour of need—of Russia, who governed with an absolute and unresisting sway—of Spain, for whose purposes an act was brought in last session, prohibiting the people of this country from interfering in the contest between her and the people of her transatlantic dominions—dominions which she had forfeited by misrule and oppression. He trusted that there was a spirit remaining in England, and that she could not be governed by the maxims of foreign states. This consideration, however, seemed to escape the attention of ministers, and they brought forward measures which filled him with the most serious apprehensions for the liberties of his country. He differed from his noble friend (lord Lascelles) with regard to the sources of our danger, and was of opinion that it rather menaced the people, than emanated from them. Referring to the affair at Manchester, and considering the conduct of the magistrates on that occasion, with

regard to its previous and subsequent effect upon the transactions of that period, he need only allude to Leeds, a place where there had been already several meetings held, each less numerous than the preceding. Then came the Manchester meeting of the 16th of August, which was followed by a variety of others in different parts of England, all of them then increasing in number tenfold. It was not by riding through a body of men, or mowing them down by soldiery, while they were assembled at a meeting of this character, that the people of England were to be subdued, but by means and measures of a more lenient and conciliatory character. His lordship proceeded to urge the necessity of a mild and temperate consideration of the condition and objects of the people, remarking, that the character of the House had been misrepresented to them, and that it should be their endeavour, therefore, to ensure the people's affections. He trusted that the House would listen to their petitions with attention; that it would patiently listen to their grievances; and even when they should prove unreasonable, that it would not notice the moody manner in which they might be presented; but that it would consider the privations and distresses under which they had been conceived. He would venture to hope even, that when they entertained the most wild and visionary theories, the House would not insult them by telling them that they were so, but would rather bear with all the faults of those who had had so much less education than hon. gentlemen themselves, and who by consequence had so little knowledge to guide and direct their conduct by. If hon members viewed the important subject of an inquiry (and none more important could occur) as it regarded the magistrates alone, they neglected the more important question of the rights of the subject. Would they, when they saw the blood which had been spilt upon this disastrous occasion, the lives which had been sacrificed, the misfortunes which had occurred, overlook the more important fact, in their regard for a matter of less moment? Yet, when a parliamentary inquiry was asked for into the causes of these melancholy events, they said, "No; for we must support the character of the magistrates of Manchester." It was surely a most curious course to pursue, for the attainment of such an object, to refuse the inquiry demanded.

Mr. *Stuart Wortley* said, he had no doubt but that the part taken by his noble friend and his noble father, was dictated by the purest motives of public duty, and the warmest and most honourable anxiety for the good of their country, but he was prepared to show that they were mistaken. He would state to the House exactly what had taken place between him and his noble friend respecting the meeting at York, and he would show distinctly that no pledge was given by him or by his noble friend (lord Lascelles) which could bind them to vote for a parliamentary inquiry. Here the hon. gentleman went into a detailed account of what had taken place between himself and lord Milton before the meeting at York, and of the proceedings at that meeting. He said that the object of himself and his friends was, to exclude persons from that meeting who went about deluding the people, and to assemble the rank and wealth of the county; for that purpose he was willing to agree to join in an address for the calling of parliament, provided his noble friend opposite would concede to him another point, reserving to himself the right of expressing the opinion which he entertained that if an inquiry should be instituted, it ought to be instituted in a court of law, before a jury of twelve men. He had said to his noble friend, that he was willing to give up his opinion on one point, if his noble friend would give up his on another. That having been refused, by what right was he called on to stand to any concession he might, for the sake of the country have been willing to have made. The hon. member proceeded to describe the state of the meeting, the conduct of individuals who attended it, the approach of mobs with drums and flags, upon one of which the words "Hunt for ever" stared him and his noble friend in the face. If he had given any specific pledge, he was willing to stand by it—nothing would induce him to violate it; but no pledge of the kind was given by him. With regard to the bills introduced by the noble lord (Castlereagh), the state of the country at present required some laws of their description. He did not say that conciliatory modes should be abandoned, but he felt at the same time that it was necessary to oppose the spirit which was abroad, and which spirit was opposed to the peace and the prosperity of the community.

Mr. *Denman* felt himself called on to explain the opinion he had lately expressed on a particular occasion. As an humble individual, he had no pretensions to high influence as a political authority in that House; but he felt that he was a member of the House of Commons, and thought he claimed some pretensions to legal authority, from the profession to which he had the honour to belong. A noble lord, he understood, on a very recent occasion, and, in his absence, had done him the honour to say, that he, as a lawyer, would not state in his place in that House the opinion which, as a lawyer, he had expressed in another place. But he could assure that noble lord, that he would not state an opinion here or elsewhere that he did not entertain. A right hon. and learned gentleman, who spoke last night, powerfully as to his eloquence, but whom he did not consider as a good law authority, had asserted, that by the law of the land, the magistrates were warranted in putting down, as they did, the meeting at Manchester, as being a riotous one even from its numbers. A good law authority, in this case, must be founded upon an intimate knowledge of the statutes and of the common law of the land; and from all the knowledge he could derive through a laborious intimacy with those laws, in the course of his professional experience, he must say that the principle laid down by that right hon. and learned gentleman was most dangerous. He had been charged with holding opinions in his professional capacity to which he did not agree; and he expected to be asked if such were his opinions. But it was not fair to consider persons who did not express their opinions as assenting to those of an opposite nature. Many opinions had been expressed last night in favour of the proceedings which took place at Manchester, which opinions he sincerely deplored, and he must say, that upon that subject he entertained an opinion perfectly different. It had been supposed, that he had stated the meeting at Manchester on the 16th of August to be an illegal meeting; but he now begged leave to say, he had expressed no such opinion. The point in question was, whether the meeting was or was not lawfully dispersed? From all that he had learned on the subject his opinion was, that the persons met there were not lawfully dispersed. He thought the meeting was legally assembled, that it did not appear they had done any thing to warrant the imputation of riot, previously to the attack made on them by the yeomanry, and he thought the manner in which they were dispersed was a fatal blow to the constitution of this country, from which he feared it would never recover; more especially when followed by the repeated blows which the bills now in their progress would inflict. The meeting, he would say, was legally assembled, but the manner of its dispersion was wholly unlawful. The people of the town were legally convened to discuss the grievances under which they considered themselves suffering, and to petition for redress, and therefore they did no more in this instance than they were entitled to do as Englishmen by the laws and constitution of their country. But the people came from a distance there in great numbers, marshalled in columns and military array, and such was the statement in the dispatches of Mr. Hay. How far those persons who came from a distance used any riotous conduct he knew not; if, however, they had done so, this was only in degree, and was not to be charged upon the inhabitants of the town quietly met. But if such persons made use of any threatening language to persons as they came along the road, this was but the act of a few, and could not justly be charged upon a whole multitude. But if such persons made use of any threats of injury to the residents in the town, he thought their conduct was riotous, and that they would incur all the liabilities to which by law they were exposed. But if the magistrates had on the morning of that day used their authority, and the means in their power to prevent those persons from passing through the town, they would have done a most acceptable service to their town. But if the magistrates suffered those persons to advance into the town, he could not see why the people of Manchester were to be prevented from meeting, or how the march of those offenders through the town should prevent the townsmen from assembling peaceably to discuss their own grievances and petition for redress. Why, then, if those strangers only were guilty of riotous conduct, and the townsmen were conducting themselves peaceably, he would contend that they were guilty of no offence, and that there must be a considerable difference between the cases of both. When Hunt came on the hustings with his flags and banners, the magistrates, from what they had heard,

issued their warrant to take him up, and prevent him from inflaming the popular mind by his speeches. He had no hesitation in saying, that the conduct of itinerant orators of this description, who went about from place to place to stir up, by their inflammatory harangues, the bad passions of the common people, deserved the contempt and detestation of every good man; but when he was told that nothing but coercive measures, such as those now proposed, could reclaim the people to a sense of their duty, he trembled for the result. He was convinced, that however erroneous the temporary irritation of the popular mind might be at this present crisis, arising from a variety of causes, there was still in the great mass of the people of this country, an ardent feeling of loyalty to the throne, and attachment to the laws and constitution, which left no just fears for danger to either; and that the best and readiest mode of putting down the turbulent spirit which had for some time prevailed, was to put down those itinerant seditious demagogues who went about to disturb the country. This he said merely en passant. But with respect to the multitude assembled at Manchester on the 16th of August, he would say their motives and dispositions were as numerous and different as their persons: and while some might come to this meeting with dispositions to high treason, there must be many others whose views were perfectly innocent. But when it was said that their object was revolution and plunder, he thought it was a most harsh imputation against so numerous an assemblage of the people of England, whose conduct showed not the least disposition to riot or disorder. It was a cruel case thus to traduce the character of the common people of this country, who deserved the highest praise for the respect they had shown to the property of their neighbours under all the cutting privations they had endured for years past from the pressure of the times. He did not mean to deny that revolutionary intentions were entertained by many mal-content persons in the country. Nor did he mean to deny that many of the numerous meetings which had been assembled in various parts of the country of late, might be intended by such men as a display of their strength in numbers. But vast numbers of persons wholly free from such views, must have mixed in those meetings, and it would be hard indeed to involve the innocent with the guilty. He did not suppose that magistrates could be expected to enter into minute investigations upon such occasions, or that they could analyse the many-headed monster, called a mob. He would say, that if the peace was violated at such a meeting, the magistrates had no alternative but to put it down by the best means in their power, without any responsibility for the consequence of the necessity in which they were placed. But he would entreat of the magistrates to pause before the sword was drawn, and not mow down without distinction the innocent with the guilty. The House had heard of banners exhibited, and of expressions used by private individuals, which were, no doubt, of a questionable character; but then there was no evidence to implicate the whole meeting in any censure which might attach to those banners or expressions. This, then, formed a legitimate ground for the proposition of inquiry. At present it appeared to him, that the conduct of the magistrates of Manchester was uncalled for by necessity, and contrary to law; and let those who in thinking otherwise opposed, he had no hesitation in saying, the general impression of the country, accede to inquiry, in order to ascertain the real merits of the case. According to his judgment, Hunt, if there were ground for his arrest, should have been arrested either before he entered into the meeting, or after the meeting had dispersed. The period fixed upon for the arrest of Hunt was in every respect exceptionable, especially considering the manner in which the meeting was proceeding—that in fact, it was quite peaceable, and that Hunt was exhorting it so to continue. But his hon. and learned friend (the solicitor general), had maintained that it was a riotous meeting; that, indeed, the assemblage of numbers without any riotous act was unlawful.

The Solicitor General disavowed that position.

Mr. Denman resumed, and said that he of course misunderstood his hon. and learned friend, but such as he had stated was certainly his conception of his hon. and learned friend's doctrine. In order, however, to demonstrate the fallacy of such doctrine, and to show the real character of a riotous meeting, he referred to the authority of lord Coke, to the case of Howard and Gell in Hobart's report, and to the opinion of Justice Holt. But if his hon. and learned friend thought the Manchester meeting illegal upon the

grounds which he had stated, why did he not advise lord Sidmouth to act upon his opinion. The resolutions adopted at the Smithfield meeting were notoriously of the most inflammatory and illegal character, and why were not proceedings at once taken against Hunt, who presided at that meeting? Here the hon. and learned gentleman quoted the case of Demaree and Purchase from Foster's report, to shew the grounds upon which constructive delinquency legally rested. The people composing the meeting at Manchester ought, he maintained, to have been apprised that the warrant against Hunt was about to be executed; for neither the yeoman, nor any other agents of power, could be warranted in the exercise of violence, for the execution of a process among people, who were wholly ignorant of the nature of that process. The people assembled at Manchester were ignorant of the nature of the warrant against Hunt, and yet many of them were cut down or maimed, for impeding, or being supposed to impede, its execution. Such conduct could not, he contended, be regarded as consistent with the law of England, or with the law of any civilised nation upon earth, and therefore the circumstances connected with it imperiously call for inquiry. This inquiry was, indeed, the more necessary, in consequence of the measures proposed by the noble lord, to none of which, as an Englishman, anxious for the maintenance of his country's rights, could he possibly persuade himself to give his assent.—The hon. and learned gentleman sat down amidst loud and general cheering.

Mr. *Mansfield* commented with much force on the demand now made for a committee of inquiry by those who uniformly described the reports of committees of that House as merely containing the sentiments of the minister, every syllable of which he was, when such an argument suited their purpose, supposed to supply. He described the fatal consequences resulting from the formation of seditious clubs throughout the country, and said that in order to arrest these evils in their course, he was disposed to support the present measures.

Mr. *W. Courtenay* thought the House would best discharge its duty by resisting the motion for inquiry. He was not ignorant of the responsibility that attached to the House, yet he could not overlook the thousands and tens of thousands who were looking up to that House for protection. It had been argued, that lawyers were not proper judges of the present question. He differed from that opinion entirely. He would appeal to reason and common sense, and if these were exercised, he did not believe any one could contend that the meeting at Manchester, constituted as it was, was not inconsistent with every form of government in the civilised world. In his opinion the meeting was altogether illegal; and if so, it was the bounden duty of the magistrates to disperse it as an unlawful assembly. If the civil power could have effected it, it should alone have been employed; if not, it was their duty to call in the military. By what was the character of the meeting to be ascertained, but by the conduct of the persons who attended it? What had been their course? Why, not contented with proceeding in a straight course to the place where the meeting was held, Hunt, with the flags and emblems of military array, paraded through the principal streets of the town. Before the House was called upon to institute an inquiry, a *prima facie* case should be made out that some infraction had been made on the constitution. Was it possible for any man who had witnessed the proceedings of the last six months, to doubt that parliamentary enactments were necessary? In his opinion, it was the duty of that House to afford that protection to the community which they so anxiously sought. They asked not for a protracted inquiry, but for some legislative measures to repress the torrent of sedition and blasphemy that had so long been spreading throughout the country.

Mr. *W. Lamb*, on reviewing all the circumstances of the case, found it absolutely impossible to doubt that inquiry into what had taken place at Manchester ought to be immediately instituted. This was necessary for the character of the magistrates themselves. To the argument which seemed to be principally relied on, that a parliamentary inquiry would prejudice proceedings about to take place in a court of justice, he would reply, that in a case of national importance, this was an inconvenience that must be submitted to. In the next place, he would remark, that he knew of no pending prosecution that would bring the whole case before any of the ordinary tribunals; and for himself he would say, that in his opinion, nowhere could so impartial an investigation of the circumstance take place, as in a committee of

that House. If it were admitted that the magistrates had acted legally, still an important political question must arise on the discretion which they had exercised, and this made a parliamentary inquiry desirable. He was apprehensive that coercive measures, in the present state of the country, would prove injurious, and was afraid that more meetings like that at Manchester might be expected, if something was not done to conciliate and tranquillize the public mind. A measure he understood, was to be brought forward by an hon. friend of his, the object of which was, to effect a reform in parliament. He should be ready to support it if he thought its provisions were good. He had hitherto objected to the plans of the advocates for a parliamentary reform, because he thought them not calculated to effectuate their object, and tending to degrade rather than to improve the representation of the people. He should certainly vote for the motion.

Mr. *Lawson* rose amidst loud calls for the "Question!" The distinction attempted to be drawn by the last speaker between a judicial and a parliamentary inquiry, appeared to him to supply no good reason why the latter course should be adopted. The annals of inconsistency, teeming as they did with the exploits of the gentlemen opposite, offered nothing equal to their unaccountable conduct in calling for a committee on this occasion, after lifting their voices so frequently against the reports of the committees of that House, which they had heretofore affected to regard as the reports of ministers. Suppose the circumstance of the case reversed—suppose that instead of wishing the proceedings to be brought before a court of justice, they were to demand that they should be referred to a committee of that House! What in that case would be the language of their opponents? The cry would be, that they wished to withdraw them from an impartial tribunal, that they might be inquired into, where the acts of ministers were sure to be judged right—that they therefore took the case from a court of justice, to bring it before a partial committee of a corrupt House of Commons. It was now proposed that such a course should be taken, and that too, to satisfy those very persons who had no confidence in the House of Commons as at present constituted. He censured the language held respecting the yeomanry. The members of those corps he could only view as special constables in red coats; and was it for those to complain that such a force had been employed, who had been declaiming all their lives against paid mercenaries and a standing army? It had been asked, if it were possible that justice could be obtained from the funds raised by the penny subscriptions of the radicals. He did not wish to wait till a sufficient sum could be advanced to meet the expense of the proceedings, from their verdigrise exchequer. He, for one, would be content to vote any sum out of the public purse that might be necessary to bring the question before a legal tribunal. He proceeded to show the difficulties that would arise if it were resolved to institute a parliamentary inquiry on this subject. Adverting to what had been said of the sharpening of the swords of the yeomanry, he observed this was no proof of "malice prepense." As well might it be contended that the fact of one of the yeomanry having made a hearty breakfast was a proof of "malice prepense;" for he believed it was not more the practice of yeomanry to make a hearty breakfast once a day than it was for the yeomanry corps to have their swords sharpened once a year. On this subject the most palpable mis-statements hae appeared in some of the newspapers. They had seen a story of a boy who was said to have travelled two hundred miles to show Mr. Orator Hunt his wounds—that was, to tell a lie. Then there was an account of a person who had had his ear cut off, but who was so very peaceably disposed that he never attempted to retaliate, but coolly pocketed the affront and the ear together. One man was described to have been taken to the Infirmary covered with wounds, and, on his way, like another Regulus, or rather like one of the ancient reformers, he had declared his sufferings served but to increase his attachment to the cause of reform. He defended the magistrates, and the thanks which had been given to them in the name of the Prince Regent. The meeting at Manchester he regarded as illegal. The inscriptions on the flags which they had carried threatened death and vengeance to some of their countrymen, and though he did not know exactly who were the victims intended to be sacrificed to the offended deity of radical reform, it was pretty clear that the fury of the malcontents would be directed (where they had the means of following their inclinations) against the anti-reformers.

Mr. *R. Martin* said, the House had heard much from the noble lord opposite on the subject of conciliation. He wished for conciliation as much as any man, but he desired to know what was meant by the word as it was now used? He wished to know from the noble lord who had brought forward the present motion, and those who supported him, what they would be disposed to give to conciliate the radicals? Would they propose other taxes to the chancellor of the exchequer in lieu of those which now pressed heavy on the lower classes? Would they propose a new property tax? If they would do this, he, for one, would approve of their efforts of conciliation.

Lord *Castlereagh* rose amidst loud cries for the "question." Nothing, he assured the House, could persuade him to address them on this occasion, but the wish to state the nature of, rather than to argue, the present question. The noble lord who brought forward the motion, intended by it that the papers relating to the state of the country should be referred to a committee, and this, if carried, he intended to follow up with another—that this committee should have the power of sending for and examining persons, papers and records. It had in this a double view; one was, to inquire into the whole of the proceedings at Manchester; and the other to take the general state of the country into consideration, and for this purpose calling before them persons from every county where they might imagine that any disturbance or discontent existed. The question resolved itself to this and he submitted to the House whether they would consent to it—that the whole of the remedial measures should be postponed until this tedious double inquiry were gone into, for that was really the object in view. Would they submit, in the state of the country which had been alluded to in the speech from the throne, and described in the papers before them, to postpone all the measures arising from that state to an indefinite period—till this committee should have terminated its lengthened labours? Was the House prepared to rescind the vote it had come to the other evening, which vote decided, in his opinion, that the Manchester proceedings could not properly be inquired into by parliament? Would they wait until this committee reported the testimony of the Pearsons, the Bamfords, and all the other radical evidence which would, no doubt, be offered to them? The radicals, however, knew their business much better than to wait until the committee had decided upon them; and before that time, they would have taken care that this committee should never report at all. They (the radicals) had taken a very different view of things; they looked to some such circumstance as this delay, though certainly without any concert with gentlemen on the other side of the House; but was the House prepared to swallow down their view of things? Would they, after what had transpired respecting the opinions and conduct of the radical reformers, consent to a delay of measures, upon which, in his conscience he believed, the tranquillity and security of the country depended? Would the right hon. gentleman opposite think this a fair way of treating the country? What would the radicals themselves say to it? Why, they would despise those who could legislate in such a manner: for they did not disguise it from the public—they did not disguise it from each other, that they only waited for an opportunity of trying their strength. But what would the loyal portion of the community (and it was consoling to know that they formed out of all proportion the majority of the population of this country] — what would they say to such a measure? They had looked to the House, they had earnestly demanded security and protection for their lives and property. Were they now to be told, when danger pressed around them, that they must wait —for what? Must wait for an inquiry, first, into the proceedings at Manchester, and then for a general one into the state of the country at large. He would admit that there were in the country many men of untainted loyalty, who were slow in admitting the existence of danger to themselves and to the state, to the extent, which he thought he might say it was generally believed; but what was the House called upon to do in this case? Why, as good subjects, and faithful guardians of the public security, they were to act for such men; they were to take such steps as would prevent themselves, and those who were less apprehensive of the danger, from being involved in one common ruin. Yet in the face of those loyal subjects, who were so anxiously expecting protection and security at the hands of the legislature, what was parliament called upon to do by gentlemen on the other side? To

postpone those necessary measures of safety until a period when, in all human probability, they could be of no avail. Honourable members talked of conciliation, and of the necessity of ministers uniting with them in effecting such measures as would produce that conciliation. He would assure the right hon. gentleman opposite, and those honourable members by whom he was surrounded, that ministers would have no objection to co-operate with them in any measure which might attain the desired effect, if they thought they could hope for their support. [Cheers from both sides of the House.] If they could rely upon their willing assistance, there would be no objection on the part of the ministers to join with them for the better security of their common country. But, after what he had heard last night, after having witnessed the whole course adopted by the gentlemen opposite since the opening of the session, he professed that he saw little ground for hoping for any assistance to his majesty's government from that quarter. He had seen them interpose to prevent by inquiry justice from reaching those who wished to destroy all social order, and all regular government. He had seen them joining in the cry of men against the government, who wished to destroy every thing valuable in our constitution. He would not impute this to the ambitious view of getting into power, for he believed that every gentleman on the other side would go along with him in thinking, that office at the present moment was a heavy and serious responsibility, he would not therefore impute any unworthy motives. The right hon. gentleman had, however given currency to the assertion, that at this moment the Whigs alone could save the country. [Mr. Tierney, across the table, I never said any such thing (Hear, hear, from the opposition).] Lord Castlereagh continued.—The right hon. gentleman might not have said so in so many words, but he had said it in effect. "There," said he, "ministers have enjoyed power for such a time, and see what are the effects. These said the right hon. gentleman" mentioning a long list of grievances, "are the effects of their being in power." What was that but saying, that if their opponents had enjoyed the confidence of their sovereign and of parliament, no such thing could have occurred. In his opinion the gentlemen opposite would have acted a better and more useful part for their country, had they lent their support to the government on the present occasion. Instead of this, they acted in concert with a set of men, who, he would readily admit, had nothing in common with them. They had contributed, unwillingly no doubt, to sanction opinions which they themselves condemned—they had kept in countenance the notion that government was a delusion—a notion in which he could not but think that they themselves were deluded. Notwithstanding, however, that they had chosen to adopt this line of proceeding, he felt confident that there was sufficient good sense, firmness, and spirit in the House and the country to save both—not, indeed, in spite of the Whigs, but without their assistance. This speech, which was delivered with more than the noble lord's usual animation, was at its conclusion followed by loud and repeated cheers from his side of the House.

Mr. *Tierney* rose. Never, he observed, in the whole course of his parliamentary life, was he so unexpectedly called upon to address the House: for up to the extraordinary rant which the noble lord had just concluded, he had not conceived that it would have been necessary for him to offer one word upon the question before them. But the House would perceive that he had been goaded into it by the noble lord, in a speech the sole object of which seemed to be, to rouse a strong party spirit, as if the debate could not be as well concluded without it. Indeed, next to the surprise which this unexpected call had excited, nothing astonished him more than the tone and manner in which it was delivered. He had never before heard the noble lord express himself in a similar manner. The noble lord had on all former occasions so demeaned himself in debate as to entitle him to the respect of all who heard him; but, on this occasion, he had gone into a complete rant, with no other view, as it appeared to him, than that of exciting a strong and acrimonious party spirit. The noble lord had talked about conciliation. Did this look like it? Was not this any thing but an attempt at conciliation? Was it not rather calculated to excite strong party feelings on both sides? In some of those insinuating terms, of which the noble lord was so perfect a master, he had declared that the Opposition were allied with the radicals. They who had ever

stood in the front rank against those deluded men, were now taunted by the noble lord with being associated with them; and this was the return which they got from the noble lord, as well as from the radicals—that they were abused by each for being hostile to both. The noble lord had said, that he (Mr. T.) had declared that the Whigs alone could save the country. He had made no such assertion; but a right hon. gentleman (Mr. Canning), whom he regretted not to see then in his place, having boasted that ministers had been in power for nearly fifty years, he had ventured to say, "Yes, and see the effects. I," continued Mr. Tierney, "did not want that the Whigs should be in power. I did not assert that they alone could save the country; but I did ask, what had been the effects of the long continued power of their opponents. I now ask the same thing—What are those effects? We have the annual expenditure raised from fifteen to sixty millions. We have a nation overburthened with debts and taxes, and a chancellor of the exchequer obliged to break faith with the public creditor (for that was really the fact, whatever other term they might give it), in order to support a sinking revenue; and these were some of the effects of the administration of the Tories. We had acts of severity and coercion multiplied, acts to increase and prop up a falling revenue. We had paupers increasing with the increase of the poor-rates; trade and commerce declining; and the people naturally discontented; and these, too, were the effects of the excellent administration of the Tories." Yet the noble lord called upon them for confidence; he wished them to unite in support of such a government! Now, he (Mr. Tierney), said that such a government could not be supported: the House might make laws for them, and raise money, and put troops at their disposal; but they could never give them authority; they might exercise all the powers of which they were possessed, but, as an administration, they could never command the respect or esteem of the country [Cheers]. He felt warm on this occasion: it was very natural—he could not feel otherwise; for he never expected to find such a turbulent gentleman opposed to him as the noble lord had proved himself to be. He had not expected that a polished nobleman, as the noble lord was admitted to be, would have indulged in such a strain as that which he had now uttered. Indeed, he had expected that the noble lord would have gone quietly to bed, contenting himself with the majority which it was likely he would gain on the present occasion. But no; that would not satisfy him; and when he conceived that the House was about to adjourn quietly, he all at once found the noble lord, to his great astonishment, indulging in this most extraordinary rant. The noble lord had said, that one object of the motion was, to make particular inquiry into the conduct of the Manchester magistrates. That was not the case; but if such an inquiry was brought on, it would be the result of the shifting, miserable temporizing conduct which had been pursued on the other side. The noble lord might complain of the conduct of members on this side of the House, in touching upon that subject; but he himself and his colleagues were to blame—the matter had been forced upon them (the Opposition) by the papers which had been laid before the House. Those papers, he maintained, were garbled, and insufficient for the object for which they were said to be produced. It was on this account that a more full inquiry was demanded. The noble lord had said, that the House, in having agreed to the address, and rejected the amendment, stood pledged not to consider that case. This was entirely erroneous; there was no such pledge expressed or implied; and he hoped that no honourable members would be led away by this kind of sophism. The papers which had been laid before the House had forced their attention not only to the proceedings at Manchester, but to the state of the country generally. It should be recollected that those papers only referred to one part of the country, but that the measures to be founded on them were not local or temporary, but permanent and general, now, and for ever, all over the country. That was to say, it was intended to mulct the whole people of England for the misconduct of some persons in two counties. That misconduct was said to exist, and those seditious practices to be carried on, in Lancashire and Cheshire; but there was none in Yorkshire. A noble lord opposite (lord Lascelles), whose manner of expressing himself in that House entitled him to the respect of every member, had not stated that any disturbances had occurred in Yorkshire, but that the people were in that state which exposed them to

the pernicious influence of a few designing men, who endeavoured to mislead them. And had not the noble lord well accounted for those feelings of discontent, which would lay them more open to the designs of the seditious, by alluding to the excessive distress which reigned among them? What had the magistrates themselves said upon this subject? "When the people are oppressed with hunger, we do not wonder at their giving ear to any doctrines which they are told will redress their grievances." Would the noble lord point out any violent criminal outrages which had been committed to justify his proposed measures? He denied that any could be shown, except the fatal one at Manchester; and upon the nature of this he need not say that opinion was divided. There had been no acts to disturb the public peace. It was true that the people had assembled together in large numbers, preceded by flags and music, and in a kind of regular, or, as it was said, of military order; but he was certain, if they had been let alone, and not disturbed, they would have been found as peaceable as several similar meetings had been before and since. Indeed, the experience of every succeeding day showed that these meetings would die away if not opposed. The people would find, that after assembling and hearing some three or four speeches which they did not understand, and being some four or five shillings out of pocket, these were practices which they could not follow. But, upon all these local transactions, what did the noble lord do? He brought in a general law affecting the whole country, and that without giving the House any particular information. If he had confined himself to such a measure as the Watch and Ward act, it might not have been objectionable; but a general sweeping law, affecting the whole country, now and for ever, founded upon such grounds, was, he believed, a thing which never entered into the mind of any person but the noble lord himself. He had asked, besides all these additional securities, for an additional force of 11,000 men: indeed, he had called them forth without asking. What did the papers on the table say of the necessity of such a force? Why, from all he had read of them, and he had read them through, it only appeared that two troops had been called for, one at Leeds, and the other at Wigan. The right hon. gentleman then alluded to the conduct of the mayor of Leeds, and contrasted it with that pursued by the magistrates of Manchester. In the former instance, every necessary precaution had been taken to prevent a breach of the peace: there had been no unnecessary parade of the military. Troops, it was true, were near at hand, but they had not been ostentatiously paraded before the meeting. What was done at Manchester? When the vast multitude were assembled together, the military force was drawn up before them. The mob, on seeing this, gave three cheers; and what did the yeomanry do? They also gave three cheers, and drew their swords. Was that, he would ask, like a fair and impartial administration of justice? or did it evince men determined to keep the peace? Now, as to the arrest of Hunt in the centre of the meeting, was not that a case into which a court of law could not inquire, and which might very properly call for the censure of parliament, if upon inquiry, they found that the arrest was unnecessary at that time? He firmly believed, that if Hunt had not been arrested that day, no riot or disturbance would have taken place. The meeting did not look like one which had come prepared for riot; they had brought their wives and children with them—a circumstance the least likely to have happened, if they had determined upon violence. What was there in the nature of this meeting, which should have led to the supposition that it had assembled for violent purposes? When they had seen others nearly as large assemble and disperse quietly, because they were not molested, why should it be inferred that this meeting had previously determined upon riot? What had been said of the meeting at Leeds? That a great portion of them consisted of the idle and the curious, and that scarcely a fourth or a fifth part could be said to be radical reformers. Indeed, he believed, that if the radical reformers had been separated at all those meetings, from those who had been brought together from idleness and curiosity, their number would be found but very small; and he did not see that a man, conscientiously believing the justice of universal suffrage and annual parliaments, might not be a loyal subject, and have no disposition whatever to subvert the constitution. With the example of the duke of Richmond before him, he was not prepared to say that what brought one man into the cabinet should take another to the gallows. Itinerant orators had been com-

plained of, as exciting the people to seditious practices. There were, perhaps, five or six persons of this description; there were Hunt, and Wooler, and Johnson, and Harrison, and one or two others whose names he did not recollect; but he believed of all these, Hunt was the only one who had been heard of or known before. How would the measures of the noble lord prevent the opinions of these men from gaining circulation? They might, it was true, be prohibited from going to spout at several places, but would not their opinions still get abroad among the people? It was well known that the speeches delivered in one place were not confined to that particular spot, but were disseminated very widely. How could this be prevented? Reports of them would be printed and read: like the rant of the noble lord, they would not be confined to the place where they were delivered; and if that should be reported, it would no doubt set all the noble lord's friends capering from one end of the kingdom to the other. One consequence of those small and restricted meetings would be, that the reporters, from the thinness of the attendance, would get front places, and, of course, be able to give all that occurred much more accurately to the public. He really did not conceive that the orations of these demagogues were listened to with such serious attention as was supposed. From the account of the meeting at Birmingham it appeared that when Wooler and major Cartwright were willing to deliver their orations, the people were not disposed to listen to them.—There was one thing asserted, to which he would particularly wish to call the attention of the House. It had been stated, that schools had been opened in particular districts, where sedition and irreligion were inculcated upon the minds of children. Now, was not that in itself a matter of sufficient importance to warrant inquiry? Could any thing be more serious, or more deserving the consideration of the House, than the alleged fact, that parents suffered their children to be instructed in such principles? Why, then, not inquire into it? The House had before them a statement, garbled and broken as it was, said to be of facts. How did they know that? One good effect of the committee would be, that it would guarantee those facts, if they were such: for all the House knew, the greater part of this information might have only existed in the imagination of the noble lord opposite. One thing was certain, that a great part of it rested upon the information of spies. From the letter of Mr. Lloyd, it appeared that a meeting was broken up, because the persons assembled said, that one of those who had addressed them was a government spy. This perhaps was the sixth itinerant orator; but then he was the orator of the noble lord. The noble lord had said, that they (the Opposition) had forced this question forward. This he denied. It was forced upon them; for if it was not meant that parliament should inquire, why were the letters of Mr. Hay and others laid before them? With respect to this letter of Mr. Hay, there was one question which he wished to put to the noble lord. Was the letter describing the dispersion of the meeting on the 16th of August that on which the thanks of the Prince Regent had been founded? If it was, and if there was no other information, he would say, that never were men more branded with guilt than those ministers who had advised those thanks. What was it, but as if they had said to their prince, after learning that a large meeting was violently dispersed, many of them sabred, and some of them killed—"Now, Sir, is your time to show your contempt for human life, by thanking those who shed this blood?" But he did not think that any of his majesty's ministers were capable of such conduct. What, then, was the inference? That they had received other information on the subject of the meeting, besides that which was contained in the papers on the table. For that information he now called. He wished that the House should be put in possession of whatever information ministers had received in their subsequent personal communications with Mr. Hay. —The right hon. gentleman next adverted to the declaration in Yorkshire by those who did not agree to the requisition for the county meeting, and contended, that, according to the opinions there expressed, it was clearly admitted an inquiry should take place. He then read the whole of the declaration, after which he contended, that it was the direct compact offered by the declarers, that they would join in an address to the Prince Regent, praying that he would assemble parliament for the purpose of instituting an inquiry into the transactions at Manchester, provided the requisitionists agreed to a decla-

ration as to the state of the country. If that agreement had been assented to, he had no doubt whatever that the gentlemen who signed the declaration would have faithfully adhered to their contract, and voted for that inquiry which they now so strenuously opposed. But it was said by an hon. member (Mr. Stuart Wortley), that by an inquiry he meant an investigation by the courts of law. That, however, would not be prevented by a parliamentary examination; for if the House saw grounds for it, they might, as they had done in other instances, direct the attorney-general to prosecute. It would, perhaps, be said, that the attorney-general could prosecute still. He denied that he could; for it should be recollected, that his masters were some of the parties accused; and if they turned earl Fitzwilliam out of office for only expressing an opinion in favour of inquiry, what might the law officers of the crown expect?—The right hon. gentleman next defended the conduct of the Yorkshire requisitionists against the charge of having joined with the radicals. There was nothing done there, no question agitated, but the one for which they had assembled, namely—to demand an inquiry into a transaction in which it was admitted on all hands that British blood had been shed, and where no sufficient grounds had been made for the attack. Was it not, he asked, natural that such a demand should be made? When torrents of blood had flowed, when several had been maimed, and some killed, what could be more rational than that an inquiry should be instituted? But the fact was, that they who gave the thanks to the magistrates knew right well that they had not a case to make out. If they had any colourable one upon which they could rely, the House would never have heard of such a thing as this outcry against all investigation. The right hon. gentleman then contended, that if meetings were allowed to go on, there would be an inquiry, a parliamentary inquiry, sooner or later into the Manchester business. He maintained that, from the papers now upon the table, they were bound to be able to aver, that a case had been made out which affected not only the right of the three counties which were disturbed, but also the rights of the remainder of the fifty-two counties of England. Now, forty-seven of them, according to the noble lord himself, were untouched; and yet all of them were to be put out of the pale of the law, because disturbances had arisen in others from the pressure of distress. He would not give the clerk the trouble of reading, he would merely allude to the words of the Prince Regent's speech at the commencement of the last session of parliament, in which the nation had been congratulated upon the commerce and revenue of the country being in the most flourishing condition. Now, the noble lord must have known that this assertion regarding the flourishing condition of the trade and revenue was any thing but true; and he (Mr. T.) had told him so at the time, and had advised him to try the effects of conciliation. The noble lord had, however, now turned round upon him, and had asked him, what he would do in the spirit of conciliation. One thing he would not do—he would not vote for the addition of three millions of new taxes. He was not bound to say what he would do; it would be sufficient for him to say what he would not do. He would not, among other things, have imposed a tax upon wool. That tax had done more to alienate the people of Yorkshire from the government, than all the other measures which they had proposed; for it was a tax that affected not only the lower orders, but also the master manufacturers, at a time, too, when there was a complete stagnation of their trade, and almost a total want of orders. What object, then, could be attained by such an impolitic measure, except the exasperation and irritation of the people? Was the noble lord still anxious to know what he would do in the way of conciliation? He would at least show a wish to relieve the distresses of the people; he would,—but he would not, even if he had any measures to propose for the present emergency, say what those measures were, because coming from him they would be certain not to meet with fair play among the gentlemen on the other side of the House. One thing, however, he would advise them to do: if severe laws were to be passed, and if a resolution was to be adopted to restrict still farther the liberty of the country, it was their bounden duty to take into consideration the distress, and the causes of the distress, which now prevailed. The noble lord, indeed, had asked them, whether they would wait and postpone the passing of his measures, until they had inquired into the necessity of enacting them. With as great reason might the poor man turn round and say to the noble lord, "Will you postpone to relieve me, when I am starving, until you

have inquired into the means of removing my distress?"

The House then divided; when the numbers were, Ayes, 150; Noes, 323: Majority against the motion, 173.

*List of the Minority.*

Abercromby, hon. J.
Allen, J. H.
Anson, hon. G.
Aubrey, sir John
Barham, J. F.
Baring, Alex.
Barnett, James
Becher, W. W.
Benett, John
Bennet, hon. H. G.
Benyon, Benjamin
Bernal, Ralph
Birch, Joseph
Brougham, Henry
Browne, Dom.
Burrell, hon. P. D.
Byng, G.
Beaumont, J. W.
Buxton, T. F.
Burdett, sir F.
Calcraft, John
Calvert, C.
Campbell, hon. J.
Carter, John
Cavendish, lord G.
Cavendish, Henry
Clifford, capt.
Clifton, viscount
Colborne, N. R.
Coke, T. W.
Concannon, Lucius
Coussmaker, G.
Crespigny, sir W. De
Calvert, N.
Crompton, S.
Davies, T. H.
Denman, Thos.
Denison, W. J.
Duncannon, visct.
Dundas, hon. L.
Dundas, hon. G.
Dundas, Thos.
Ebrington, visct.
Ellice, E.
Euston, earl of
Fazakerly, N.
Fellowes, hon. N.
Fitzroy, lord C.
Fergusson, sir R. C.
Fitzgerald, lord F.
Folkestone, visct.
Farrand, Robt.
Grant, J. P.
Graham, Sandford
Graham, J. R. G.
Griffiths, John W.
Guise, sir W.
Gurney, R. H.
Harcourt, John
Hamilton, lord A.
Harvey, D. W.
Heathcote, sir G.
Hill, lord A.
Honywood, W. P.
Hornby, Ed.
Howard, hon. W.
Howorth, H.
Hughes, W. L.
Hume, J.
Hurst, Robt.
Hutchinson, hon. C.
Kennedy, T. F.
Kinnaird, hon. D.
Kingsborough, visct.
Lamb, hon. W.
Lamb, hon. G.
Lambton, John G.
Langton, W. G.
Latouche, Robt.
Lemon, sir W.
Lloyd, sir E.
Lloyd, J. M.
Longman, Geo.
Lyttelton, W. H.
Macleod, Rod.
Macdonald, James
Mackintosh, sir J.
Martin, John
Maule, hon. W.
Maxwell, John
Merest, W.
Mills, George
Milton, visct.
Moore, Peter
Mostyn, sir Thos.
Maberly, John
Maberly, W. L.
Mahon, hon. Step.
Nugent, lord
Newman, R. W.
O'Callaghan, J.
Ord, W.
Palmer, C. F.
Pares, Thos.
Parnell, sir H.
Parnell, Wm.
Peirse, Henry
Pelham, hon. G. A.
Pelham, hon. C. A.
Philips, Geo. jun.
Phillipps, C. M.
Powlett, hon. W.
Prittie, hon. F.
Primrose, hon. F.
Price, Robt.
Pringle, J.
Ricardo, David
Ramsden, J. C.
Rancliffe, lord
Robarts, W. T.
Robarts, A.
Rowley, sir W.
Russell, lord G. W.
Russell, R. G.
Rumbold, C.
Rickford, Wm.
Scarlett, James
Scudamore, R. P.
Sefton, earl of
Smith, hon. R.
Smith W.
Smyth, J. H.
Spencer, lord R.
Stuart, lord J.
Stewart, W.
Stanley, lord
Talbot, R. W.
Tavistock, marquis of
Taylor, M. A
Thorp, alderman
Tierney, rt. hon. G.
Waithman, alderman
Walpole, hon. G.
Webbe, Ed.
Wharton, John
Whitbread, W. H.
Wilkins, Walter
Wilson, sir Robert
Wood, alderman
Webster, sir G.

TELLERS.

Althorp, lord
Ridley, sir M. W.

PAIRED OFF.

Curwen, J. C.

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## HOUSE OF COMMONS.

*Wednesday, December 1.*

COMMITTEE OF SUPPLY.] The Chancellor of the Exchequer having moved the order of the day for going into a Committee of Supply,

Mr. *Brougham* said, he felt that he could not conscientiously discharge his duty without opposing the motion. The present was a parliamentary and constitutional occasion for the statement of grievances. As often as a supply was demanded by the crown, so often was any member of that House entitled to state the grievances of the people. In opposing the present motion, therefore, he was only exercising that constitutional right with which, in any case of emergency, every member was invested. The great objection and grievance which he had to state, was the extraordinary and unprecedented haste with which ministers seemed resolved to hurry the new measures through parliament. If they were temporary or local in their character it would be a different matter; but it was because they would effect a great and a permanent change in the constitution; it was, in short, for the reasons which he had mentioned yesterday, although they had had no effect on the noble lord, that he considered it highly indecorous to urge them with such unprecedented dispatch. The House was now at a notice of eight and forty hours—about twelve of which had been passed in debate on another part of those measures—it was at a notice of thirty-six hours to go into the consideration of the details of the new system. It was to be called upon to-morrow night, in discussing the first of the proposed bills,

to enter into a complete investigation and discussion of the whole of those measures by which it was proposed that the law of England should be changed in some of its most essential points, and changed for ever. This was not only indecorous as it regarded the House, it was highly indecent and unjust as it regarded the people. For to propose to change the laws, by which the rights and liberties of the people had been hitherto protected; and to change them, not to be restored when the supposed exigency, which required the change, should have passed away, but for ever, without allowing such a delay as might give the people an opportunity of considering the subject, and making their feelings and opinions upon it clearly manifest, was a denial of that to which the people were justly entitled. What did the noble lord propose to do? He would not grant the delay of a single day! He persevered in bringing on to-morrow the second reading of the bill already introduced into the House, before it was possible that any part of the country, except the metropolis, could be aware of the nature of the proposition which parliament was entertaining. That was not the course pursued in 1795. Violent as were the measures then proposed, a delay—he believed of three weeks—was allowed for their consideration, although the pressure of the emergency was certainly as great as in the present instance. For these reasons, he protested against the present motion for going into a committee of supply, as he had a constitutional right to do; although he would not take the sense of the House upon it. If the House were willing to adopt the proposed measures without due discussion; if they were so tired of the free constitution of England, that they would not deliberate before they not merely suspended, but absolutely overthrew it, he and his honourable friends were in vain endeavouring to discharge their duty to themselves and the country, by attending from day to day to attempt to prevail on the House to perform its sacred obligations to the public.

NAVY ESTIMATES.] The House having resolved itself into a committee of supply,

Sir *G. Warrender* proceeded to address the committee. He said he could anticipate no opposition to the resolutions which he held in his hand, which merely provided for the requisite number of seamen for the year. He ought to mention that in one branch of the service, he meant the royal marines, there was an increase of 2,000 men; so that, in future, the whole duty of the dock-yards would be executed by that corps. It would be found of the greatest service to increase the royal marines to the number of 8,000 men; by which means, if any cause should arise, an efficient permanent force would be ready to assist in the formation of an armament. This was not like an increase of the military force, a measure of a temporary nature; but was intended to be a permanent increase to the extent of 2,000 men. The hon. baronet then moved, "That 23,000 men be employed for the Sea Service, for 13 Lunar months, from the 1st January, 1820, including 8,000 royal marines."

Sir *Joseph Yorke* inquired whether the hon. baronet meant to make any addition to the guard-ships, which he described as being in a very bad situation. Considerable difficulty was encountered at present in fitting out men of war, as was exemplified in the case of two line of battle ships that were lately sent to a distant quarter of the globe. The seamen were now placed on the preventive service: they were employed under the command of the chancellor of the exchequer, in preventing smuggling. When they came back from a service of that kind, they were generally more fond of the gin-cag than of the gunpowder-cask. There was not a naval officer, he believed, who would not, for the duties of reefing, steering, splicing, or fighting the enemies of their country, take any other set of men, in preference to those who had been placed on this service. When the hon. baronet asked them to vote 2,000 men more than were called for last year, he hoped he would not refuse to give the House some information on the points he had alluded to.

Mr. *J. P. Grant* said, if he understood the hon. baronet correctly, the nature of his proposition was, that 2,000 men should be added to the marines, which would have the effect of releasing 2,000 of the military force of the country from the duty they now performed in the dock-yards. Therefore, when an increase of the military force was called for, the House ought to keep in view, that by this new measure, 2,000 men would be virtually added to the military establish-

ment. He could not, at that moment, make any observation on the proposed increase of the army; but when the noble lord brought forward the proposition, it would be for him to demonstrate the necessity of such a measure in time of peace.

Sir *B. Martin* said, the duty of the dock-yards was formerly executed by the marine corps, and it was always highly desirable that it should be performed by them. That which was now proposed was therefore nothing more than merely reverting to the ancient system.

Sir *G. Warrender* stated, that with respect to the guard-ships it was not intended to make any alteration in the system which had been approved of by the House last year, and which rendered that species of force more efficacious. The reasons, founded chiefly on a principle of economy, which he had detailed to the House in the last session, operated to reduce the number of guard-ships. But, if the hon. baronet supposed them to be in a state of inefficiency, he had formed an erroneous opinion. With respect to the armament destined for South America, to which the hon. baronet had alluded, it was not fitted out so tardily as he imagined. One of the vessels, the Superb, commanded by sir T. Hardy, was in the Sound, with all her stores on board, in four days after the orders were issued for her equipment, and her complement of men was speedily completed. With respect to the increased number of marines, it would be most advantageous. If an armament were ordered to be equipped, these men would be ready for service, and the military might undertake the dock-yard duty, as before.

Mr. *Tierney* said, if the marines were increased by 2,000 men, it was clear that 2,000 of the military would be applicable to some other service. If 2,000 additional marines were raised, who were to do a duty now performed by the military, ought not the army to be decreased to that amount? If it was not, then it came to this, that to this extent they increased the army. He had no objection to the marines having the care of the dock-yards, for common sense pointed them out as the most proper force to undertake that duty; but he did not approve of this mode of strengthening the army. It was understood that 10,000 men were to be added to the military force of the country, and no person would contend that that number was not quite enough; but, by the proposition now made, it appeared that there would be an increase of 2,000 more.

Sir *G. Warrender* said, that gentlemen were not correct in supposing that the dock-yard duty was entirely performed by the military of late years. The fact was, a part of that duty had always been intrusted to the corps of marines.

Mr. *Tierney* said, he had no objection to the increase of the marines, but he did not like that, to the same extent, the military force should also be increased, which would evidently be the effect of the present measure.

Mr. *Croker* said, it was impossible to deny that this arrangement would relieve that portion of the army which was now employed in the dock-yards, and *pro tanto*, would increase the disposable military force. The number of men that would be relieved by this additional vote of marines was about 1,200.

The motion was then agreed to. Sir G. Warrender then moved, "That a sum not exceeding 650,325*l.* be granted to his majesty, for wages of the said 23,000 men, for 13 lunar months, at the rate of 2*l.* 3*s.* 6*d.* per man per month," also, "that 612,950*l.* be granted, for victuals for the said 23,000 men, for 13 lunar months, at the rate of 2*l.* 1*s.* per man per month."

Mr. *Baring* asked, what was the reason that the charge for victuals was 1*s.* per man per month greater than it was in the vote of last session?

Sir *G. Warrender* could not state the exact reason, but the officers who made the estimate found that the addition was necessary.

Sir *B. Martin* said, the sum voted last year was found to be inadequate, and it was necessary that the charge should be fully covered. Therefore the additional shilling was put on, and for no other reason.

Mr. *Baring* did not mean to oppose any part of the service, but when the hon. baronet came down to vote the navy estimates, and made any alteration in the items, he had a right to state to the House on what ground he made it. It was the paramount duty of that House to inquire into all appropriations of money, and therefore he called for information.

The *Chancellor of the Exchequer* said, that the vote of last sesion was insufficient, and therefore it was proposed on this oc-

casion to vote 1s. more per man per month; because, on calculation, it was found that such an increase was necessary to meet the expenditure.

Sir *G. Warrender* said, in proposing this vote, he relied on the judgment and opinion of those gentlemen who belonged to the department and whose duty it was to look into and consider the subject. Better authority he thought he could not have. He could not presume to go into minor details of this kind; and when he received from official authority, a statement that such a charge was correct, and that it must be laid before parliament, he felt himself justified in coming down to the House and proposing the vote.

Mr. *Baring* considered it to be the duty of the hon. baronet, when he called for any augmented vote, to state the grounds on which he applied for such augmentation. The estimates should be moved by some person who could give to the House all necessary information on the subject.

The motion was then agreed to.

NEWSPAPER STAMP DUTIES BILL.] The House having resolved itself into a committee on the Stamp Duties act of the 56th of the King, c. 56,

The *Chancellor of the Exchequer* said, that he should decline discussing the principle on which the resolution which he had now to move was founded, as it would most probably come before the House immediately, on another occasion. He had thought it his duty to introduce it to the House, because a considerable fraud had been committed on the revenue, by means of the pamphlets against which his measure was intended, and because a considerable invasion had also been made by them upon the property of the regular newspapers. He then handed up his resolution to the chairman, which was as follows: —"That all Pamphlets, or Papers commonly so called, and all other papers containing public news, or intelligence or occurrences, or any remarks or observations, address, or letter thereon, or upon any matter established in Church or State, printed in any part of the United Kingdom, to be dispersed and made public, which shall not exceed two sheets, or which shall be sold or exposed to sale for a less sum than six-pence, exclusive of the Duty to be charged thereon, shall be deemed and taken to be Newspapers within the meaning of the several Acts in force relating to Newspapers in Great-Britain and Ireland respectively, and be subject to the like Duties of Stamps."

Mr. *Brougham* said, that as this was only a resolution preparatory to the bringing in of a bill upon the subject, he should not enter into the principle of it at any length, because, though the resolution entered into some details, it had not mentioned any of the exceptions which it was doubtless intended to allow. He should therefore only refer to one circumstance at present, which had been very incorrectly stated by the noble lord on a former night. He had not the slightest doubt of the misrepresentation which the noble lord had made being unintentional; he conceived it to have arisen from his not having seen, or from his not having considered the acts of parliament which already existed upon the subject. After the decided reprobation which he (Mr. Brougham) had passed upon the seditious and blasphemous libels which had emanated from the press in the course of the last three years, he did not expect that he should be suspected of too great a leaning towards them. He must, however, say, that nobody ought to be charged with more crimes than those of which they were actually guilty; and therefore he thought that it was not altogether right to charge men who were guilty of treason or blasphemy, with being also guilty of a fraud upon the revenue. He would show the House good reasons why the publishers of these pamphlets were not guilty of the charge which had that evening been brought against them. The words of the Stamp act, on which alone this charge had been substantiated, and upon which he had always given his opinion, when requested so to do, were "Any newspaper or papers containing any news, intelligence, or occurrence." From those words it was impossible to argue that a person who did not publish any news, intelligence, or occurrence, but merely commented upon them, was guilty of a fraud upon the revenue, because the loophole through which he escaped was evidently a loophole contemplated by the legislature. That this was the case would appear more clearly by considering the intention of the legislature. The act allowed not only individuals to publish every week, or at any other perodical intervals, such comments, but also contained a clause stating the terms on which they were to publish them. From the word-

ing of this clause it had always been his opinion, that a man who published a pamphlet, containing mere comment, periodically, was not evading, much less defrauding the revenue. He had thought it requisite to make these observations, in consequence of what had fallen from the noble lord on a former occasion. He was clearly of opinion that nothing could be more dangerous to society, nothing more pernicious to the best interests of humanity, than what had recently gone forth to the world in these twopenny pamphlets, and his charge against ministers was, that they had not endeavoured to stop that torrent of blasphemy and sedition which had lately inundated the country, before it had arrived at its present height. The existing laws conferred on them sufficient power wherewith to have done it; and he would pledge himself to show, when the proper opportunity arrived, that they were more effectual for such purpose, than those new measures which the House was called upon to adopt, and that they would be the laws to which the ministers would ultimately be compelled to repair in order to punish offenders, even though they carried their present severe and extraordinary propositions.

Lord *Castlereagh* said, that he should imitate the example of his right hon. friend, and say very little upon the resolution now before the House, inasmuch as it was merely formal, and arose from the necessity which existed of having a recommendatory vote from the committee before it could be brought into the House, owing to its being a money bill. The bill was not in the hands of hon. members at present, and that gave him another reason for not discussing its enactments at present. If, in the debate of a former evening on this subject, he had said any thing incorrect or offensive, he was ready instantly to retract it; but he had then quoted the case of one Journal which appeared to have taken the same view of the subject as he himself had done; it had originally paid the usual newspaper duty, but it now escaped it by passing under the name of a pamphlet. He thought some such legislative enactment as that which this resolution contemplated to be actually requisite to protect what he had called the respectable part of the press. An acquiescence in the resolution of that evening would not pledge hon. members to support the measures which might afterwards be founded upon it.

Mr. *Brougham* begged leave to inform the noble lord, that the publication to which he alluded, and which he believed to be Cobbett's [lord Castlereagh bowed assent,] did, at the time when it paid the duty, contain news, and especially when parliament was sitting; ever since it had ceased to pay the duty it contained no articles of public intelligence.

Sir *M. W. Ridley* entered his protest against the measure now proposed. He thought that it most materially affected the interests of the country; some of the other bills were local and temporary; this was general and permanent; he, therefore, felt himself bound to raise his voice against a bill which made so important an alteration in the laws of England.

The resolution was then agreed to.

## HOUSE OF LORDS.

*Thursday, December 2.*

Training Prevention Bill.] Lord *Sidmouth* moved the order of the day for the second reading of the bill for prohibiting training. Their lordships, he said, had made an order, that two of the bills which had been read a first time on Monday, should be read a second time this day; he might, therefore, now allude to both. The provisions of one of the bills were similar to those of the Temporary act which was passed some years ago, when the midland districts were in a disturbed state; and if their lordships compared the present bill with the act of the 52nd of the king, they would find that its provisions were much less rigorous. The papers which had been laid before their lordships contained instances of training and of the procuring of arms, more than sufficient to prove the necessity of the measures recommended to their adoption. But the evidence on this subject, irresistible as it already was, had been greatly strengthened since those papers were placed on the table. Within these last few days information had been received that military training was still going on, and that the practice of procuring arms, for purposes the illegal nature of which could not be questioned, was continued. If, then, there was evidence sufficient to warrant their lordships in countenancing this bill, the grounds which would recommend it to their adoption had, instead of being weakened, become much stronger. He should at pre-

sent say nothing more, except to move, that the bill which stood first in order be now read a second time.

Lord *Erskine* contended, that the papers before the House did not afford sufficient ground for the measures proposed, and in particular, that the allegation in the preamble of the bill respecting training was not made out. If their lordships found the enactments of the bill unexceptionable, still they ought not to adopt the preamble as a ground for such legislation. His lordship then argued, that the present measures were in themselves far more objectionable than the act to which the noble secretary of state had referred. He believed they would not have the effect which was expected from them. Transportation he considered much too severe a punishment for the offence of drilling. In the course of his long experience in the courts below, he had always found that severity of enactment defeated its purpose. He was therefore of opinion that ministers would be more likely to succeed in their object by making the penalty less. With regard to the bill for the seisure of arms, though it was only temporary the powers which it gave were so extraordinary, that their lordships would surely pause before they sanctioned it. After the assertion in the preamble, the bill proceeded thus:—"Be it therefore enacted, that it shall be lawful for any justice of the peace, upon the information upon oath of one or more credible witnesses, that he or they believe that any pike, pike-head, or spear, is in the possession of any person or persons, or in any house or place," &c. The clause then went on to say, "or any dirk, dagger, pistol, or other weapon," and authorized the issuing of warrants to seize arms, and search any house by night or by day. From the terms in which this clause was framed, he must contend that the most loyal person in the country, within the operation of the bill, would be liable to have his house searched, and if any arms were found, might be made liable to all the penalties of this severe law. The people were entitled by the constitution to have arms for their defence; and if a measure of this kind were rendered necessary by local circumstances, it was fit their lordships should look carefully to its provisions.

Lord *Lilford*, though aware that the noble and learned lord who had just sat down ought to be better qualified than himself for the discussion of evidence, could not look at the papers in his hand without being satisfied that there was ground, not only for the bills which had been introduced, but for more coercive measures. He referred their lordships to the papers on the table, where they would find a letter from Mr. Marsh, a magistrate at Westleigh, followed by the substance of certain depositions relative to the making of arms. Having communicated with Mr. Marsh, he had had access to the informations relative to the procuring of arms, and he could assure their lordships that he had sufficient knowledge of the parties to state that they were persons who deserved to be credited on oath. He thought it right to say this much, though the noble and learned lord had not, as on the former night, founded any argument on the anonymous nature of the correspondence. Some alterations might be necessary in the provisions of the bills, but if the noble lords on the other side had the opportunities which had occurred to him, of ascertaining the credibility of the evidence, he had no doubt that they would come to the same conclusion as himself.

Lord *Erskine* gave full weight to the observations which had fallen from the noble lord, but still could not rely on the truth of the evidence generally. He had been taught by experience to place no implicit faith in such informations. Their lordships might recollect, that a great mass of similar informations had in 1794, been referred to committees of both Houses of parliament; and that, upon the reports made by those committees, indictments for high-treason were found against certain individuals. When, however, the persons accused were tried they were acquitted. There was evidence enough to satisfy parliament, but not evidence enough to satisfy a jury of the country. Recollecting these things, he could not place confidence in such evidence as appeared in the papers on the table. The noble lord surely would not say, that anonymous information was to be relied upon by the House with as much assurance as the evidence of persons whose names were made public, and who might be called before them. When testimony was given, he liked to see the witness's face; and if an opportunity for that was afforded, it might be ascertained whether the evidence came from a spy or not. He must say that the man-

sures were altogether inconsistent with the principles of free government. When he looked at all the bills on the table, and thought how little England would be like England, when once they were passed, he could not help being filled with indignation and disgust at such a melancholy prospect. How fortunate would it be for the country if another course were adopted. Conciliatory measures would do more to restore confidence and tranquillity, than all the rigorous enactments that could be adopted.

The *Lord Chancellor*, in consequence of what had fallen from his noble and learned friend, thought it necessary to state, that when he found it his duty, in 1794, to prefer charges of high treason against certain individuals, he did not proceed on the credit of any report of either House of parliament, but upon the credit which he gave to information on oath. His noble and learned friend thought that England would be unlike England when these bills were passed; but he would ask their lordships what they supposed England would be like if they did not pass? It was only by passing these bills that they could preserve the country from destruction. He always paid the highest respect to the opinion of his noble and learned friend, but it appeared that, on the present occasion, he had misunderstoood the clause in the act relative to the seizure of arms. It was not the mere possession of any dirk, dagger, pistol, or other weapon, that gave the power of searching a house, but the possession of some such weapon "for any purpose dangerous to the public peace." The overlooking of these words made an important difference in the view of the clause. A man might be possessed of a dagger, not only without any improper, but for a laudable purpose. He recollected being in the House of Commons when a great man, now no more (Mr. Burke), but whose memory was stamped with immortality, threw down a dagger on the floor in the course of his speech. That dagger was still preserved, but the person in whose possession it was, certainly did not hold it "for any purpose dangerous to the public peace," but in order that it might be transmitted to posterity as a memorial of that great man who had been instrumental in bringing about the adoption of the course of policy which had saved the country, and rendered England what England now was. With regard to the constitutional question of the right of the people to possess arms for their own defence, which had been alluded to, the noble and learned lord observed that, in looking at the bill of rights, the principle was not laid down in so broad a manner as it was frequently represented, and that it was accompanied with the strong qualification, that subjects might have arms suitable to their conditions. There was, therefore, little force in the objection urged on this ground. But if their lordships had any doubt of the propriety of passing these bills, it would be removed on giving a fair consideration to the evidence contained in the papers on the table. If the persons to whom that evidence referred, were arming and training with the intention attributed to them, then were they guilty of nothing less than high treason. If their object was to give to meetings, by the collection of great numbers, the quality of physical force, for the purpose of procuring, by the display of that physical force, any alteration in the government, in church or state—if this were done by any individuals, either in this city or any other part of the country, he must declare that such a proceeding was an overt act of treason. With respect to the bill before the House, it never could be supposed that it was wished to render it one of unnecessary rigour. It would be for their lordships, when it went into the committee, to consider all the details, and to render it as lenient as possible.

Lord *Redesdale* regarded the reports of the secret committees of 1794 as standing on unquestionable authority. There was not a single fact in them, which, when brought before a jury, was disputed or discredited. The attempt to lessen their authority was, therefore, perfectly fruitless. The charges of erroneous statements which had been made against these and subsequent reports were all unfounded. That which had been advanced against the report of one of their lordships committees consisted in an evasion. It referred to a word which had been inserted in the report without a qualification. The word "correspondence" should have been "correspondence by messengers."

Lord *Holland*, when he saw so many tremendous bills on the table affecting the liberty of the subject, did not think it necessary to dwell much upon the transactions of 1794. He was not now disposed to consider in what manner the noble and learned lord on the woolsack had

at that period performed his duty. But another noble and learned lord had asserted that the facts stated in the reports of 1794, and upon which no verdict was obtained, were not disputed. Mark the able reasoner! Did he not know, that all the facts in the reports which were made the subject of charges against the gentlemen tried for high treason, were after the investigation of juries, discredited? How could it be said that they remained undisputed? It was not said, that because the reports of 1794 or 1812 had proved false, the evidence now laid before the House must necessarily be false; but what had occurred with respect to these reports afforded reason for caution now. The noble and learned lord had alluded to the use which Mr. Burke had made of a dagger in the House of Commons. No man had a higher opinion of the talents of Mr. Burke, than that which he entertained; but if he had wished to cite an example either of his eloquence or judgment in debate, he certainly should not have fixed on that particular argument which the noble and learned lord had chosen to select. For his part, he should have preferred some of the profound political maxims which he had often uttered in the House of Commons. The present discussions might have brought to the recollection of the noble and learned lord, what that celebrated statesman had said on popular discontents. He had on one occasion observed, when the people were charged with being discontented, that if that charge was true, this at least must be allowed—either that they were a very bad people, or had a very bad administration. That was a maxim which would keep its place in his mind at least as long as the scene of the dagger. The noble viscount, from the manner in which he had introduced these bills, had placed him in a considerable degree of embarrassment—not on account of any deficiency in the explanation of his object, for that he had given in the most candid manner, of all the bills in the aggregate. But though there might be details to which he did not wish to object, the whole of the measures rested on grounds which prevented him from giving even these details his unqualified concurrence. For instance, he perhaps, with some qualifications, would not object to the measure for preventing secret training, or to the seizure of arms. Though he was no lawyer, he could easily understand that training for a seditious purpose must be a crime of some description or other. This acknowledgment was not, however, sufficient to induce him to agree to the present bill, as it began with an allegation, of the truth of which he was not convinced. The noble lord opposite (lord Lilford) thought the evidence sufficient: he did not, and there they differed. He wished for more evidence, because the experience of former testimony had taught him to doubt the present. He was therefore anxious to have it understood, that in agreeing to any of the details, he by no means sanctioned the preamble of the bill. It was said, that training for seditious purposes was a misdemeanor; but that there was a difficulty in obtaining legal proof; and to remove this difficulty it was necessary to come to parliament. This was a reasonable proposition; but if all that was wanted was to remove a doubt as to the law, why introduce the measure with an objectionable preamble? The details of the bill were not, however, free from objection. It appeared a great inconsistency that the person who drilled should be liable to seven years transportation, and those he trained to two years imprisonment. The purpose of the driller might happen to be more innocent than that of the drilled. Why, then, was there such a difference in the punishments? The noble lord who spoke second in the debate had referred to his knowledge of certain informations; but the noble lord would surely acknowledge that anonymous evidence could not be expected to convey with it the same weight with persons who had not the same opportunities of information which that noble lord had. But he had reason to know that in that part of the country from which the evidence came, there were many Orange lodges, which were a great cause of dissension. If the names of the individuals who had given evidence were disclosed, it would be known what and who they were. If their lordships had them before them, they might ascertain whether or not they were members of these lodges. No man could lay his hand on his heart, and say, that he could rely on anonymous evidence with as much confidence as on that the authors of which were known. He, therefore, could not agree to the preamble, as it asserted that of which he could have no knowledge. But with the qualifications he had stated, he was willing to say "content" to the principle of the present bill.—With res-

pect to the second bill, it had been contended, that it contained no violation of any constitutional right. The noble secretary of state had not made such an assertion on introducing the measures. On the contrary, he very candidly admitted, that with regard to the bill on the subject of the press, there was, to a certain extent, a violation of principle. He was astonished that it should be supposed that this bill was sanctioned by the words of the Bill of Rights, which said that the people might have arms for their defence suitable to their conditions. He looked back with gratitude to those great men who, at the period of the revolution, settled the government on the principles of liberty. Was it to be supposed, that by the introduction of these words, they meant to deprive the mass of the people of their right to possess arms for their own defence, to make a distinction between the rich and the poor, and to deprive the latter of the advantage given to the former? The principal record in the Bill of Rights was applicable equally to the rich and the poor, and it was most insulting to the people, to tell them that this measure for the disarming of certain districts was according to the provisions of the Bill of Rights. But if, unhappily, it were necessary to depart from the principle of that great constitutional act, let at least the disarming be done with as much tenderness as possible; let it not be accompanied with any questioning of that principle. He saw with satisfaction, that information on oath, before the arms were seized, was necessary; and though the clause referred to by his noble and learned friend was liable to the construction he had put upon it, yet the bill altogether was better than that of 1812. There were some of the details objectionable, but what he had to say on them would be better reserved for the committee. As the bill was contrary to a great principle of the constitution, their lordships ought to be the more careful to prevent the evil from being aggravated by unnecessary rigour in the provisions. Into the great question of the unconstitutional nature of the measures, he should not now enter, more especially as his noble friend (earl Grey), whose absence from indisposition he lamented, had discussed that part of the subject much better than he could. His noble friend had fully stated all his sentiments and feelings, and he did not wish to weaken the impression which his speech must have made. He must, however, observe, that he believed the whole policy of his majesty's ministers to be founded in error. He would not say of them, or of any other set of men, that their intention was, to subvert the constitution, in order to acquire for themselves unlimited power; but if they had such an intention, he knew no better method that could be pursued, than that of occasional remissness in checking the progress of sedition, in allowing it to grow to an alarming height, and throwing on parliament the duty of putting it down. In such a state of things, many honourable and good men could see no other course left, than to adopt the measures of rigour which were recommended.—But he should say no more on this part of the subject. The two bills under consideration were the least objectionable of the whole series of measures. If he gave any opposition to them beyond the point in which he disagreed as to details, it was because he considered them as parts of an objectionable whole. On the contrary, if he concurred in parts of these measures, he begged it might not be therefore understood that he gave any approbation to the whole. He admitted, as he had said before, that this bill, by disarming only certain districts, and by being limited in its duration to a certain time, did as much to render the measure palatable as it was possible to do. But still their lordships should recollect, that the necessity of disarming the people, if that necessity really existed, implied a will and intention on the part of the people to oppose the government of the country. He believed that the greatest power that could be exercised by any government, either despotic or limited, was to attempt to disarm the people. He stated it, therefore, as one of his strongest objections to all these laws, that if they did not succeed in accomplishing the object for which they were framed, they must prove highly dangerous, on account of the impressions they would make, and the wounds they would leave on the minds of the people. On all these considerations he could not say "content" to the second bill. As to the first, it certainly was better than that passed in 1812, and therefore it was not a measure on which he would express that abhorrence and detestation with which he viewed the system of coercion about to be established.

The *Lord Chancellor*, in explanation,

denied having said any thing with regard to the principles recognized in the bill of rights, that could admit of the interpretation given by the noble lord. Nothing that fell from him could justify the inference, that it held out one law for the rich and another for the poor. He was as proud of the Bill of Rights as any noble lord could be; but at the same time he considered that it did not hold out a single protection to him, or to their lordships, which it did not equally afford to every class of his majesty's subjects. In alluding to that part of the bill which allows the subject to have arms for his own protection he did not sacrifice a single principle; and while he continued in public life, he would pledge himself, that as far as it could depend on him, the subject should never lose the benefit of a single word or letter which it contained. It was not against having arms for his own protection, but against using them for the destruction of the constitution, that either what he had said, or what the bill before the House provided, could fairly be supposed to apply.

The Marquis of *Buckingham* said, he should not object to this bill, because it was one not for disarming the people, but for preventing them from using their arms against the constitution. He had been surprised to hear his noble friend accuse the noble and learned lord on the woolsack, of having misquoted the Bill of Rights, and of having said that there should be one law for the rich, and another for the poor—that the one had a right to keep arms in his possession, and that the other had no such right. He could not conceive on what grounds these charges were founded; for what the noble and learned lord had said was, that every man was entitled to have arms suitable to his protection; and that, the moment he rose in arms against the constitution, it was the duty of parliament to interpose, not, indeed, to prevent him from having arms, but to take care that he should not use them in overturning the constitution of the country. The noble lord had deprecated the interference of parliament by any new legislative enactments. But what had their lordships on the former evening been discussing? What was the question that had then been agitated? Was not the proposition of the noble marquis (Lansdowne) that they should go into an inquiry? And yet the noble lord now objected to these measures, because they would throw upon parliament the onus and the odium of interposing. It was important, considering the nature of the evil for which a remedy was now required, that no time should be lost. They were at present placed between two difficulties. He agreed with the noble lord in thinking that one of the greatest mischiefs that arose from ill-designing persons creating alarm in the country, was the necessity of giving a great preponderance of power to the crown. But they must either make sacrifices to obviate this difficulty, or compromise the safety of the state by not checking those whose object was to overturn it. He had heard a great deal about its being the duty of parliament to conciliate the people; and he had waited long to hear in what manner this conciliation was to be accomplished. No doubt the principle was a good one, and parliament ought to adopt it, if it was practicable. The noble lords had all said, that conciliatory measures ought to be resorted to; but they had not told the House till now, what measures would satisfy the people. Now, however, it was said by the noble lord, that nothing more or less than a reform in parliament was necessary, and that nothing else would satisfy the people. He did not wish at present to enter into a discussion on the propriety or impropriety of granting a reform in parliament. He himself had a distinct idea on the subject; but how was it with the noble lords? There were not two of them who agreed in their views of the question. The people at their public meetings had declared, that they would not be contented unless they obtained annual parliaments and universal suffrage; and therefore, the noble lords must either offer the people what they would throw back in their face, or they must agree to the measures proposed.

Lord *Holland*, in explanation, denied that he had charged his noble and learned friend on the woolsack, with misquoting the Bill of Rights. All he intended to convey was, that he had frittered away a part of it in his version. The noble and learned lord had taken high dudgeon at this. As he had since explained himself, no doubt could be entertained with respect to the meaning of his words; but as they were first delivered, he (lord Holland) being something of an angler, thought he had a good bite [a laugh]. The noble marquis was guilty of an inaccuracy, when he supposed him to have

recommended parliamentary reform as the means of conciliation. He had not, in fact, mentioned parliamentary reform at all, or even if he had, the noble marquis, who had certainly formed a distinct opinion on the subject, might allow him the credit of having a distinct one also.

The Duke of *Sussex* said, he rose in consequence of the speech of the noble marquis who had attacked that side of the House as if, in general, the principles of radical reform were adopted by them; and he wished that noble lords, when they spoke of any individuals, or, indeed, of any matter whatever should be correct in what they stated to the House. He did not agree in opinion with those who approved of all the measures that were brought forward; but he would take that opportunity of stating his acquiescence in the bills then under their lordships' consideration. He regretted to hear from the other side of the House opinions which implied the imputation, that noble lords on his side were inimical to the interests of the state; they felt they were contending for the interests of the country as much as the noble lords opposite; and while he differed very much from them in political sentiment, he should endeavour so to express his dissent as not to inflame the public mind. He should beg leave to advert to what had fallen from the learned lord;—for any subject connected with the Bill of Rights, with Magna Charta, or any other of the great barriers of the constitution, every one must feel to be important. The learned lord would allow him to say, with every respect for his character, and with great deference to his legal knowledge, that when he stated his opinion that certain proceedings were treasonable, he (his Royal Highness) should have wished that the learned lord had been in the situation of attorney-general when these proceedings occurred, because he was convinced that that opinion, if stated and acted upon by the attorney-general, would have relieved the country from a great part of the evil now said to exist. He would state to the noble marquis, that although he was not a radical reformer, he had an opinion on that subject; an opinion as distinct, and, he hoped, as constitutional, as that of the noble marquis himself; and whenever they should enter the lists of argument on the subject, he hoped they should fight fairly and manfully. He agreed with the noble lords opposite, that the House ought not to lose its time; but still he must look to causes, and he would say, that those physicians who did not examine minutely, but took the symptom for the disorder, might kill the patient, but would never cure the disease. He returned his acknowledgments to their lordships for the attention with which they had listened to him. In the situation in which he stood, he was anxious that his opinion should be known, as well from his attachment to the constitution, as from the affection he entertained for the interests of the people.

The Earl of *Darnley* thought it his duty to give his support to some of the measures before the House. With respect to the arming bill, it was universally admitted that such a measure could be justified only on the ground of necessity. The only objection which he was prepared to make to this bill he should take the liberty of throwing out at present, for the consideration of the noble lord opposite. He thought it extremely dangerous to give to any man the power of entering another's house at night; and, if possible, it would be expedient to avoid giving that power. He would not waste their lordships' time in arguing on the inexpediency of this provision, or of the present measures in general; but he would take the liberty of inquiring, before he decided, whether the present measures, supposing them to be necessary now, might not have been avoided, if a different course had been adopted by government. He apprehended they all considered the measure to be grounded on the fact, that arms were possessed by individuals for dangerous purposes. From the papers on the table, however, he thought that this measure arose entirely from the transactions at Manchester on the fatal 16th of August. It was, no doubt, to be lamented, that itinerant demagogues were going about the country, and inflaming the minds of the people; but still it was known that meetings of the same description as that at Manchester had taken place in other parts of the country, and had separated without any bad consequences. He maintained, therefore, that whatever evil disposition there was in the situation of the country, it was mainly owing to the unfortunate conduct of the magistrates on that day, and to the subsequent conduct of ministers in stifling inquiry. If government had granted an inquiry, he was satisfied that the evils now to be provided against by these measures would not have existed.

Let the people be satisfied that parliament was prepared to do them justice by going into an inquiry, and then it would not be necessary to have recourse to measures of extraordinary severity. The noble marquis had said, that noble lords on the opposition side of the House, talked of conciliating the people, but did not tell how that was to be accomplished; and at last he had come to the subject of parliamentary reform. He was astonished to hear the noble marquis imputing to his noble friend the wish to establish annual parliaments and universal suffrage. Their lordships would do his noble friend the justice to acknowledge, that he had said nothing that could warrant such an imputation. In answer to what the noble marquis had said on the subject of conciliation, it was only necessary to observe, that the measure of inquiry proposed by his noble friend (the marquis of Lansdowne) would have been most conciliating and satisfactory to the country. After some observations against the coercive system of ministers, the noble earl remarked, that in order to govern the people of this country, it was necessary to appeal to their hearts, not to their fears; and that endeavouring to pass such laws as these would excite apprehensions that the object was to govern them by the bayonet. For his own part he must acknowledge, that he would rather be governed by the noble earl and the noble viscount opposite, than by Mr. Hunt and Dr. Watson; for any government however bad, was better than theirs.

The Earl of *Darlington* expressed considerable diffidence in offering himself to the attention of their lordships, but he felt it a duty which he could not decline to address them for a few moments. He presented himself to their notice not merely as a person possessing some estate in the country, and respecting the laws and constitution under which he lived—not merely as a member of the legislature, in whose dignity and security he was interested—but as the holder of a situation under the Crown, which he had had the honour to fill ever since the year 1792. He had forborne to obtrude himself upon former occasions, but his name had been already introduced to their lordships' notice in the documents which were laid on the table by his majesty's ministers. It might be supposed, from his residence in the county of which he was about to speak, that he had some knowledge of the people by whom he was surrounded. He had taken great pains to ascertain their opinions, and though in the northern part of the county of Durham he considered at one period that they were quiet, he could not help observing that there were some symptoms not indicative of perfect tranquillity. They were silent, indeed, but their silence was of a sullen character. A meeting was held in the neighbourhood of Newcastle, the numbers of which were greatly increased by a difference between the proprietors of the collieries and their workmen. The meeting was conducted quietly, but the manner of its assemblage was such as ought not only to have attracted the notice of government, but of all who wished well to the country. In some time after, it was intimated to him that a rising would soon take place. He had then no fear of such an event; nor should he now have intruded on their lordships, if he had not received intelligence, within these few days, which confirmed that intimation. From that intelligence he was certain, that at the present moment, while the deliberations of parliament were in progress, a correspondence was going on between the North of Durham and the south of Newcastle, for the purpose of carrying projects into effect for the subversion of the constitution. Under this impression he felt it to be their lordships' duty to unite in the endeavour to find out the persons who aimed at the destruction of the government, or endeavoured to excite tumult and disturbance which endangered the whole property of the kingdom. Here it was that he disagreed from his noble friends with whom he generally acted. They had expressed their dislike and suspicion of anonymous information. The principle was certainly just; but he could say, that he had received intelligence upon which he could place the most implicit reliance, but the authors of which he would not upon any account disclose. As far indeed, as he could form a judgment on the subject, he was with great deference obliged to differ from the notions of his noble friends on that subject. With respect to the bills of which the secretary of state had given the outlines on a former day, he had some hesitation in agreeing to them without qualification. Some objections might be stated, and some alterations might be necessary, but as far as the general tenor of such

bills went, he believed they were absolutely required. Though he was far from being an alarmist, when he saw such things pass before him, the existence of which he could not doubt any more than he could doubt his eye-sight, it was his duty to state that ministers were called upon to bring forward some measures extremely strong in order to meet the emergency. It would have been a matter of great satisfaction to him if an union could have taken place between both sides of the House on this occasion; but unhappily that was not accomplished. That inquiry should take place as to the causes which brought the country into this state, was a fact he was ready to admit; but it was foreign to the present question—as foreign indeed as the question of reform, and like that only a waste of the time of the House. Reform was, in his opinion, to some extent necessary; but he should now conclude by stating, that with some trifling alterations the present bills had his approbation, as well as the other measures with which they were connected.

The Earl of *Strathmore* rose also to make a statement to the House, which he thought it of importance that they should be acquainted with. He corroborated the statement of the noble lord who preceded him, on the subject of the meetings in the neighbourhood of Newcastle, which he described as inconsiderable in point of numbers at first. The last, however, was alarming, both in point of numbers, and with regard to the flags exhibited. The motto upon one of the flags was, "the day of retribution is at hand," and the device a death's head and bones. Though no mischief was done, he was convinced that they were ripe for mischief. He had certain information, that many persons attended the meeting with pistols, and had that day received a letter from a most respectable clergyman at Newcastle, which would show the extent to which the alarm had reached in that part of the country. The letter commenced by observing, that about twenty factious demagogues, who ought to be hanged or incarcerated, had done all the mischief, and succeeded in preparing the minds of the people for rebellion. It proceeded to state than an hon. and rev. gentleman, a magistrate of the county, the brother of a noble earl whom he did not then see in his place, had with his family taken refuge in that town. What must the state of that county be when magistrates were obliged to fly for refuge. He was glad that the noble lords who sat on the same side of the House with himself, had not objected to the bills under consideration. He hoped that no time would be lost in passing them, for he was sure their lordships must see that unless they were carried no man could answer for the safety of the country. Another fact, of which he wished to apprise the House, was, that the colliers were divided into different classes, consisting each of twenty persons, under the direction of a leader. The Black Dwarf, The Republican, The Cap of Liberty, and other blasphemous publications were the constant subjects of their study, and he feared were too successful in corrupting their minds. He trusted, however, that they would soon be convinced of the error of their ways. in addition to this, it was certain that there were 14 or 15,000 men on the banks of the Weir and the Tyne ready for rebellion. After what had been said of the northern part of Durham, he was much gratified at being able to bear testimony to the loyalty of the south-western district. There was little or no disaffection there, and he was persuaded that the great mass of the people were ready to defend the king, the constitution, and the laws. In the north of Yorkshire the same spirit prevailed, and he was persuaded would soon manifest itself in any case of danger. He had said thus much in corroboration of what had fallen from the noble earl, and in explanation of the letter he had received that morning, which he thought it of importance that the House should be acquainted with.

The bills were then read a second time.

## HOUSE OF COMMONS.

*Thursday, December 2.*

Seditious Meetings Prevention Bill.] Lord Castlereagh having moved the order of the day for the second reading of the Seditious Meetings Prevention bill, Mr. M. A. Taylor begged leave to ask a question of the noble lord, whether it was the intention of his majesty's ministers to propose any alteration or amendment in the bill, or to allow it to stand in the state it then was: he was proceeding to discuss the matter, when the Speaker called him to order. Mr. M. A. Taylor resumed, and observed, that it was not his

intention to debate on the subject before the House, but merely to ask a simple question. Lord Castlereagh was sure the hon. member had too much experience not to know that the committee was the place for discussing the details. Mr. Grenfell rose, and was about to state his opinion on the bill, when Lord Castlereagh put it to the hon. gentleman whether it would not be more convenient to give his sentiments on the question for the second reading. Mr. Grenfell acquiescing, the order of the day was read. The Solicitor General then got up to move the second reading of the bill, when Mr. Tierney observed, that if the noble lord did not intend to commence the debate, it was open to his hon. friend to speak. After some further discussion, in which lord Castlereagh, Mr. Tierney, Mr. Grenfell, the Speaker, and Mr. Perceval participated,

Mr. *Grenfell* said, it was not his intention to detain the House at length, but he wished to avail himself of the opportunity of expressing the opinion he entertained of the general proposition, of which the bill before the House formed a part, and which engaged the almost exclusive attention of the country at large. He confessed that he stated that opinion under feelings of greater pain than any he had experienced from the first hour of his sitting in that House to the moment at which he spoke; for his sense of public duty compelled him to adopt a course decidedly opposite to that pursued by his hon. friends near him, with whom he had hitherto had the gratification of being politically connected, and with whom, notwithstanding this exception, he hoped to remain politically connected for life. He was one of those who had abstained from giving any vote, either on the amendment proposed by his right hon. friend to the address, or on the motion made by his noble friend on Tuesday. He had so abstained from feelings of a personal nature, and in doing so was not aware that he had been guilty of any dereliction of his public duty. He could assure his right hon. and his noble friend, that the only motives which induced him to abstain from voting on the occasions which he had mentioned were, his personal regard and affection for his right hon., and his respect for his noble friend. He could no longer, however, allow any private feeling to interfere with that line of conduct which his public duty seemed to him to demand. His only object in rising at that moment was to state, in the face of the House and of the country, that from the best consideration which he had been able to give to a subject which he was quite aware involved the dearest interests of the empire—from all the information which he had obtained on that subject, sanctioned and strengthened as that information was by the observations made on a recent evening by the noble lord who represented the county of Lancaster, he felt it incumbent on him to declare that, reserving to himself the right to object to any of the details of the measure, and to support any amendment to them, from what quarter soever it might proceed, and also reserving to himself the right of further consideration with respect to the expediency of making any or all the measures temporary in their application—he was prepared to give his steady and hearty concurrence and support to the principle of all the measures recommended by the noble lord on Monday last. Such were his opinions, and on those opinions he was prepared to act, and he should therefore assent to the second reading of the bill under consideration.

The question being put for reading the bill a second time,

The *Solicitor General* congratulated the House on the candid speech which had just fallen from the hon. gentleman, and said he flattered himself, that after the question should be fully investigated, and, after the true character of the measures which his majesty's government had thought it necessary to recommend should be fully developed, in addition to the vote of the hon. gentleman, those measures would claim and obtain the support of many other hon. gentlemen, who were not in the habit of acting politically with his majesty's ministers. In undertaking the duty which he was about to perform, he must request the indulgence of the House. It was a duty which, in consequence of the absence of his hon. and learned friend had been suddenly cast upon him since he came down to the House; and he must intreat the indulgence of the House with respect to the manner of his performing the task. Of course he was familiar with all the details of the measures in question; but it was a very different thing to be acquainted with those details, and to be prepared suddenly to unfold them with the distinctness and precision so desirable on such an occasion. He would endeavour,

however, to discharge the task that had fallen upon him with as much simplicity and clearness as he could command; and to explain the nature and character of the measures which it had been advisable to recommend to parliament, for the purpose of meeting the extraordinary dangers with which the country was menaced; dangers, which, in his opinion, there was a great disposition, on the part of many of the hon. gentlemen opposite, to underrate. A right hon. gentleman had attempted to show, that those dangers were principally confined to two counties in the north of the island—Lancashire, and a part of Cheshire. It was only necessary to look at the documents on the table, and to advert to facts notoriously before the public, to be satisfied that such a representation was wholly unfounded. It had been stated, that in Yorkshire no coercive measures were necessary. The papers on the table, however afforded decided evidence of the necessity of legislative interposition with respect to Yorkshire, as well as the other counties in the north of the island; for in those papers it was stated on authority, that although no immediate danger was to be apprehended, there was reason to suppose that a conspiracy of a most alarming and extensive character would burst forth, unless great precautions were taken to suppress it; and it was stated to be matter of absolute certainty, that revolution was the aim of those who were engaged in it. Was the House, therefore, to be told, that it was only to a part of Cheshire, and to Lancashire, that the proposed measures ought to be directed? But he would go a step further. He would refer, not merely to the documents on the table, but to the general notoriety of the state of the county of Northumberland, of the state of the county of Cumberland, of the state of the county of Durham, and above all, of the state of the western parts of Scotland, especially in the neighbourhood of Glasgow and Paisley. He would omit all mention of the metropolis and its vicinity. He would not mention the meetings which had taken place in Coventry and other parts of Warwickshire, and those which had been attempted in the county of Stafford. He would merely observe, that the state of the northern district which he had adverted to, comprehending an extent of 290 miles, and including a large and active population, afforded abundant ground for the measures proposed. There was one very alarming feature in the character of the designs evidently entertained by the disaffected, namely the activity with which objects contemplated by them were pursued, and the rapidity with which the principles of sedition were diffused from the head quarters in Lancashire to the most extreme outposts. This was a most formidable part of the evil, and proved the necessity, not only of legislative precautions, but of adopting those precautions with the utmost expedition. It had been said by some hon. gentlemen that the disease was merely local. Good God! was it possible that those by whom such an assertion was made had entirely forgotten what had already occurred in the world? Was all the experience derived from the course and progress of the French revolution to be lost to the world? Who did not know that at the commencement of that revolution, a large part of France was not alienated from the existing government? Who did not know that it was only in the great manufacturing and populous districts in France that disaffection originally manifested itself, and that to the inertness of the friends of monarchy in the other parts of that kingdom the deplorable consequences that followed were attributable? He would ask the House whether, if the principles avowed, and the schemes going on in the northern districts, had extended to the whole island, the revolution would not only (according to the expression in one of the newspapers) have begun, but have been perfect and consummate? Having stated so much with respect to the extent, he would now consider the character of the proceedings in question; for it was indispensable to take a view (however slight) of the combined danger, in order to enable the House duly to appreciate the merits of the combined measures recommended to meet it. The particular points against which the proposed measures were directed were—first, the training to the use of arms for revolutionary purposes; secondly, the collecting of arms to be placed in the hands of those previously trained to their use, in order to carry into effect the designs of the disaffected against the constitution; thirdly (and it was a consideration of the utmost importance), the means of intimidation resorted to, and actively spreading through the country, for the purpose of checking all opposition to the plans of the evil disposed, and encouraging and supporting the disaffected.

—In addition, he would recall to the attention of the House the open and unblushing attempts at intimidation by assassination. The principle of assassination had been avowed in the metropolis, in public debating houses, and in newspapers. In the Reformers Gazette, at Manchester, in July last, a particular individual was openly pointed out for destruction, and it was asked—"Is there no noble Brutus who will plunge a dagger into the heart of the tyrant?" The next important point to which he would advert was that which formed the foundation of the bill, the second reading of which was proposed to-night, namely, the assemblies collected under the pretence of petitioning for parliamentary reform, but with the purpose of exhibiting the strength of the disaffected, encouraging their friends, and intimidating their opponents. The intimidation thus occasioned was a most formidable engine in advancing the plans of the individuals in question. Another, and a great evil against which the measures recommended by his majesty's government were directed, was the state of the press of this country, not of the regular and established, but of the cheap and low press. The evil was admitted on all hands; whatever difference of opinion might exist with respect to the nature of the means that ought to be adopted to counteract the poison which had of late years been so actively diffused throughout the community. He had now briefly pointed out the various parts of the system against which the measures proposed by his majesty's ministers were directed. The question was, whether, as some measures must of necessity be adopted for correcting the evils, the measures proposed by government were not as effective, and at the same time as moderate and constitutional, as any that could be devised for the purpose? He could assure the House, that in the preparation of those measures it had been the most anxious wish of government to trench as little as possible on the laws and constitution of the country; and when the various measures which they proposed should come to be thoroughly investigated, he was persuaded it would be found that they were calculated to carry into effect the object in view, with as little injury to those laws and to that constitution as the circumstance of the case would permit. An hon. and learned friend of his on the other side of the House, had very properly stated, that it was impossible to consider the operation of any one of these measures without looking to the whole of the bills to be introduced. Before he directed the attention of the House to—

Mr. *Brougham* rose, and observed, that the hon. and learned member had mistaken him. What he had said was, that it would be difficult to consider any one of the measures proposed without looking to them as a whole. The hon. and learned member seemed to be about to go into a discussion of the other measures, which he conceived was rather premature.

The *Solicitor General* said, that in order to meet the wishes of his hon. and learned friend, he would treat the subject as he had advised, and touch as lightly as possible upon the other measures to be introduced, but the evils which the House were called upon to counteract, formed a combined system, and could only be counteracted by another system equally combined in its nature; and therefore the bearing of one measure upon another, as if one evil upon another, could not be lost sight of. The first point to which he wished to direct the attention of the House was, the bill to be introduced for restraining the liberty of the press. The object of this measure was, as he before stated, to restrain the publication of those cheap pamphlets, which had occasioned such mischief in the country. There was not any man who more zealously advocated the liberty of the press than he did. The liberty of the press and the trial by jury were the main pillars which supported the constitution; and he could assure the House that he was the last man in the country who would advocate the invasion of either of those inestimable privileges of the people. But what was the character of the publications to which he alluded? What were the evils to be apprehended from them? They were sold at such a price as afforded the lowest orders an opportunity of perusing them. The persons who sold them were men of no property or character; and besides, they were very difficult to be come at. Those persons declared, and with truth, that those publications were a powerful engine in their hands; and that the people were, and must continue to be strongly influenced by them—Was it then too much to expect, that the publishers of such pamphlets should give security for the payment of such penalties as might be imposed on them for an abuse of the powers

of their mighty engine? Was it too much to say, that in the event of their being convicted not by any minister or magistrate, but by an impartial jury of their countrymen, there should be a fund from which the fines to which they had subjected themselves should be certainly forthcoming? In what respect could this be considered as an invasion of the liberty of the press? The bill demanded security—nothing more; it did not ask for any previous censorship: it did not ask for any limitation of the trial by jury. If ministers had proposed any such measure, they would have deserved and incurred not only the reprobation of that House, but the reprobation of the whole country. The press was a powerful machine, and might be turned to good or to bad purposes, according to the disposition of those who used it; was it not, therefore, right, to call upon publishers to give security that they would so use as not to abuse it? This was the first measure which ministers had to recommend; it was perfectly in unison with the constitution, and he augured that it would be found effectual to counteract the mischief. Another point in these publications was, their nature and their character. In the act of the 38th of the king, when it was first proposed to impose a tax upon any paper which contained any public news, intelligence, or occurrences, it was considered that those words were so general that they might embrace all periodical publications whatsoever; and this was proved by the circumstance that many actions were commenced upon them in the courts of law. In order to meet the present danger of the times, it was now proposed to extend the regulations of that act, so that those publications which assumed the existence of facts, and then argued upon and drew deductions from them, should be made liable to the tax upon newspapers, just as if they contained the first account of the facts themselves. This was the second point in the system: the next was to inflict an increased degree of punishment, that of transportation, at the discretion of the court, upon any individual against whom a second conviction was obtained. The principle on which this enactment was founded was well known to the English law; and he would ask the gentleman opposite, when a party, after being once convicted of a blasphemous and seditious libel, came forward a second time to brave and insult the court, whether it was not proper that such discretion should be vested in the judge? When they said that such enactments were hostile to the liberty of the press, they ought to consider that they were confined to publications of a certain size and character. He now came to the bill against military training. It was said by members on the opposite side that the existing laws were strong enough to prevent it. A single word on that argument would be quite sufficient. If any persons met for the purpose of training themselves to the use of arms, and for the express object of opposing the government, such training would constitute an overt act of high treason; and therefore if the intention of the party training could be proved to the satisfaction of a jury, no new law would be found necessary. But though it might be an easy matter to convict an individual of this training, it might be very difficult to bring home to him the intention with which he was thus training himself, in a court of justice. It was therefore proposed that no persons should meet to be drilled to the use of arms without a licence from the Crown. From what had fallen from hon. gentlemen on the other side, he did not expect that this measure would incur any opposition. The next measure to which he must call the attention of the House, was of a technical nature. It was that for accelerating trials in cases of misdemeanor. It might, as the law at present stood, be 2 years or 3 circuits after an offence had been committed, before it could be brought on for trial. This was the old law of the land in cases of misdemeanor, and formerly had also been the law in civil actions; but as serious inconvenience to suitors had resulted from such delay, a remedy had been introduced for it many years ago. It was now proposed to apply the same remedy to misdemeanors, but in so guarded a manner, as not to trench upon any method of defence which the accused might be inclined or advised to adopt. He was not to be compelled to take his trial at the first assize, without sufficient cause; he was not to be deprived of the benefit arising from a writ of *certiorari*. Circumstances might so happen that he could not obtain a fair hearing in the inferior courts; he was, therefore left at liberty to remove his cause into the superior courts, and all his rights and privileges there remained as before. He therefore did not expect any objection would be made to this bill, un-

less it were to be contended that it was a benefit to the subject to have a delay of justice. He now came to the bill for the seizing of arms, which was founded upon facts, that were unfortunately but too notorious. By that bill it was provided that magistrates in certain districts should have the power to seize all such arms as appeared to be inconsistent with the public safety. In every one of its clauses care was taken not to trench upon the liberty of the subject. It had been provided that in all cases pikes and pike-heads should be seized, because it was evident that they must be intended for improper purposes; but where the weapons were of a more doubtful nature they were not to be seized, unless some individual should give information upon oath that they were intended to carry illegal, and unconstitutional objects into effect. The magistrate might then seize them, but his decision was not final: the person conceiving himself injured by the seizure might go before him, and demand to be allowed to prove that they were kept for innoxious purposes: and if that circumstance were satisfactorily made out, the arms must be restored. If not so restored, he might appeal to the quarter sessions, for their restitution, so that every possible care was taken to protect the innocent from any thing like unjust persecution. He had nothing more to say upon this bill, except that if it were passed into an act, it was to be merely temporary and local. He had now shortly gone through the chief points in the system which it was proposed to adopt; but before he proceeded to the remainder of them, he should beg leave to make a few remarks on an argument which had been used against putting the press under any limitations. It had been said that the existing laws would have been found sufficient to punish all the breaches of them which had taken place, if they had been properly administered; and that the abuse of the liberty of the press, which all parties in the state now acknowledged to be enormous, had arisen from the negligence and supineness of the law-officers of the Crown. Personally, he had nothing to do with this complaint: and, therefore, he might be allowed to say, that the abuse, when thoroughly investigated, would not be traced to that source. It was possible that there might be libels published two or three years ago which had not been made the subject of prosecution. But what was the reason that they had not been prosecuted? Why, the evil had suddenly burst upon the country with all the impetuosity of a flood or a torrent, and it had been found impossible to check an irruption of so sudden and unexpected a nature, by the presentation of any bills of indictment to a grand jury, or the filing of any criminal information. If he were asked what was the cause of so great and so unexampled an evil, he would say that he could not develope the whole cause. He would, however, say, that the acquittal of Hone had partly occasioned it. When that individual was tried and acquitted eighteen months ago, for the publication of libels on which no reasonable man could entertain a shadow of doubt, libels which were denominated most seditious and blasphemous by the judge of the King's-bench, who passed sentence on a poor deluded wretch found guilty of vending them, his acquittal was hailed as a victory and a triumph by the gentlemen opposite; and the individual himself, though previously in a humble situation of life, and not over well provided with the gifts of fortune, found subscribers, and among them, he regretted to observe, several persons of rank and respectability, to give him a reward for the offences which he had committed. To that circumstance, he partly attributed the swarm of libellers which at present existed: it was not indeed the whole cause of the present evil, but it formed a great part of it; and it, therefore, ill became those who were now so clamorous, to complain that the evil was owing to the supineness and neglect of the law officers of the Crown. Having discussed, and, he hoped, refuted this objection, he should now proceed to the Seditious Meetings bill. It was contended on the other side, that the people had a right to meet in any numbers to deliberate upon any matter of public importance, to consider of any grievance, and to devise the best means of obtaining redress for such grievance. Whatever construction might have been put on the act of Charles 2nd by the judges of the court of King's-bench, on the trial of lord G. Gordon, which act, as it was never repealed, was still the law of the land, he should not now dispute the existence of that right. He should assume as a settled point, that the people had a right to meet, for the sake of deliberation, petition, remonstrance, or redress of grievances. But, admitting that to be the case, was it

likewise necessary to admit that they could meet with propriety in a tumultuous meeting, professing, indeed, legal and constitutional objects, but evidently pursuing ulterior illegal ones? Could any man have the boldness to assert, that it was not the duty of the legislature to interfere in such a case, not, indeed, to prevent discussion, but to place public meetings under such regulations that they might be held without injury to the constitution? What then was the remedy proposed? It was allowed the people to attend any public meeting that might be called by the lord lieutenant, or the sheriff, or the majority of the grand jury of the county, or by any five justices resident within it. If any one of those distinct bodies should concur in thinking a public meeting requisite to be holden "for the purpose of deliberating upon any public grievance, or any matter in church and state, or for the purpose of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, upon the subject thereof," the people might legally assemble under his or their authority. What was the objection to this provision? Why, that you might find a lord-lieutenant, a sheriff, a grand jury, and a whole magistracy, who would concur in not calling any one public meeting. If the question were a proper question to be discussed, surely among all the individuals designated in the bills as capable of convening a public meeting, some would be found inclined to do so; and if some were to be found, the objection as on a general principle was not a valid objection. But as if to obviate that objection, and to guard against such a contingency (for contingency it must be called) it was provided, that if the authorities above named would not call a meeting, the people might meet in their respective districts or parishes, though not in the tumultuous manner to which they had been of late accustomed. He hoped that he should not be understood as saying that the people were to be allowed to meet only in their districts or parishes—by no means: it was only a discretionary power assigned to them, in order to protect them from an abuse of power on the part of those who were authorized, and who yet refused, to call county meetings. What, however, must be the nature of that measure, on which neither a lord lieutenant, nor a sheriff, nor a majority of the grand jury, nor five justices could be found willing to call a meeting? But as it was possible that those authorities might act unjustly, it was to guard against the people being deprived of all opportunity of meeting that this clause was provided. He would ask the House, whether any measure could be proposed less exceptionable than the present? Ministers must either have drawn up new divisions of the country, or have adopted the old ones; and could any person doubt of the propriety of preserving the latter? Honourable gentlemen on the other side had said that they would oppose the details of these measures. After the explanation which he had given of the principle on which they were founded, and which he trusted that he had proved to be correct, he did not expect that they would make any opposition to the principle of them, but that if any thing in the details appeared to them to be objectionable, that they would suggest an amendment. It was not, however, requisite for him at present to state what those details were; that would be better done when the House went into a committee. It would now be for them to direct their attention to the principle of the bill which was to prevent seditious and tumultuous meetings. The people, according to this bill, could meet by their own act in their parishes and townships, and this was a satisfactory answer to the objection that it went to destroy all public meetings. One objection made to the bill was an objection in principle; the evil, it was said, was local. He admitted it; but was it local in the sense which those gentlemen supposed? That which existed in the metropolis—that against which it was requisite to guard in all the counties adjacent to the metropolis—that evil which extended from York up to Glasgow, and showed itself also in Warwickshire and Leicestershire—that evil, which, if repressed in one place, burst out immediately in another, was not so local, that it was possible to say where it existed at any precise moment. In all former bills which the legislature had made under similar circumstances, the evil had been more local than it was at present, but in all of them the acts passed to repress it had been general in their application, and he should not discharge his duty, if he now applied for an act which was to extend only to particular counties. There was also another objection to the bill: "it was to be permanent." To this objection he should make an answer simi-

lar in principle to the answer which he had just given to the objection founded on what was called the locality of the evil. Temporary bills had been passed every three or four years, to check the mischief which had arisen from these tumultuous meetings; and yet, during the whole of the last 25 years, it had continued to exist with little interruption. Once it had been repressed by the suspension of the Habeas Corpus act, but the moment the Suspension act was repealed, it burst forth again with the same malignant spirit which it had before displayed. Unless, therefore, the House were of opinion that it was expedient to pass, from time to to time, severe restrictive measures, they ought to adopt such a moderate permanent measure as he was now recommending. The gentlemen on the other side were always advising the ministry to try the effects of conciliation. There was every disposition on the part of ministers to conciliate the honest, the well-disposed, and the loyal: there was no disposition to exercise coercion on them, and instead of being a coercion on loyalty, the system was calculated to protect all who deserved protection from the designs of men who had sworn to overturn the constitution, and who, if they succeeded, would soon be involved themselves in the general destruction. But how were ministers to conciliate these reformers who were drawing the sword against them? It would be weakness to attempt it. They were not men to be conciliated. To offer conciliation would be to succumb—would be to give a triumph to the disaffected, and an encouragement to them to rally round the banners of sedition.

Mr. *Lyttelton* rose to offer his opinion on the measures proposed by ministers, as well as on the recent proceedings in the country. He expressed his regret at being on this occasion obliged to differ from those honourable friends with whom he was in the habit of acting—indeed, nothing but an imperious sense of duty could induce him to do so—a conviction that the proposed measures were necessary to the safety of the state. If he were influenced merely by party principles, which, in general, he believed to be public principles, he certainly should co-operate with his right hon. friend, especially after the extraordinary speech of a noble lord, who, in contradiction to the usual mild and manly manner in which he performed his parliamentary duties, had taunted the Whigs with acting from factious and corrupt motives. But, he was sorry to say, that he was convinced there was a great conspiracy in the country against the constitution. In spite of all the cheering which this declaration had occasioned, he would pledge himself to make good his assertion. If ministers had granted an inquiry, they would have had the support of nine-tenths of unbiassed men to the measures now proposed. For what took place when laws were before passed for the temporary suppression of seditious meetings? He asked, whether they were repressed longer than the suspension of the Habeas Corpus lasted? He asked whether meetings were not held at the end of that period, for effecting the purpose of those who called them by force? Some 9 or 10 months ago, a meeting was held at Smithfield, most inflammatory and alarming in its character. Since the last prorogation of parliament, meetings had been held all over the country. At Hunslet-moor a meeting was held, to which he supposed the member for Bishopscastle had alluded; and if any meeting was treasonable, that was so. At that meeting it was recommended, that district and deputy meetings should be held, and it was declared that the object in view ought to be obtained by an "overwhelming" majority. What was this but to propose to carry things by a general and systematic rising or rebellion? Was this a system which the people's House of Parliament, as the member for Bishopscastle called it (he supposed he had taken the expression from the resolutions of some of the meetings), was not to put down? Afterwards a meeting was held at Birmingham, where the strange, unprecedented, and unconstitutional villainy of conduct was adopted, of returning a member and legislatorial attorney to that House, without any right or authority. Such proceedings in his opinion would justify the measures now proposed, if no papers at all had been laid upon the table. Then came the meeting at Leeds, which was spoken of as indicating increased violence, but it at length fell off to a small number. At last came the Manchester meeting, with respect to the proceedings at which he, for one, thought it would be much better if ministers manfully instituted an inquiry. The magistrates, acting under circumstances of great provocation, might have overstepped the law, and that ought to be inquired into,

and he still hoped an inquiry would be conceded. A full and impartial inquiry would prove infinitely more honourable to the magistrates, and to the yeomanry who were denounced — aye, individually denounced—than to leave the existing calumny unrefuted. But setting that aside, would any man contend, that, if the peace of the country, and especially of the manufacturing districts, was to be preserved, such meetings ought to be tolerated? Would any man say of the Manchester meeting, that if it was not contrary to law, it was not high time that the law should be altered, to prevent the recurrence of such a meeting? It was perfectly ludicrous and absurd to maintain any such doctrine. Then came meetings of large bodies of men—meetings, exasperated by the excessive severity exercised at Manchester; more exasperated, perhaps, by the misrepresentations which had been propagated, and exasperated most of all by the injudicious thanks which had been given by ministers to the authorities at Manchester. A meeting was again held at Birmingham, which had every characteristic of rebellion, and seemed prepared to resort to actual force upon the property and persons of his majesty's subjects, until put down by military interference. Upon these facts, without any papers at all, the noble lord might have brought forward his measures. Such conduct would have been better than the inconsistent course of presenting papers, and yet refusing inquiry. But the papers, he would contend, did form a very complete and conclusive case. They had been represented as scanty and meagre; they were scanty and meagre only respecting the Manchester question —a question in which his majesty's ministers were themselves compromised. The declaration of the Cheshire quarter-sessions (he spoke of a private letter from one of that body) stated, that schools were established there for disaffection, and that the fact was verified upon oath. The earl of Derby transmitted an account of the alarming state of the district with which his lordship was connected, and afterwards represented the difficulty of arming the respectable and loyal inhabitants. His hon. friend — he meant the member for Bishopscastle, whom he had no right certainly to call his political friend—had inferred that this circumstance proved that there was no alarm. On the contrary, he would say, that it proceeded from intimidation. Besides, there were several depositions before Mr. Fletcher in the beginning of August, not anonymous depositions, that training was practised by great numbers in that part of the country. Prior to this the spirit of disaffection had been manifested in the assassination of Birch the constable. Above all, there was the declaration of the Lancaster grand jury, which represented that there was no symptom of, he did not say rebellion, but of a conspiracy against government—not against government alone, but against property—there was no symptom of such a conspiracy which the grand jury did not set forth as existing in that county. This was marked by the extensive circulation of seditious writings—by a system of intimidation being resorted to—by military trainings—and by a systematic determination to refuse payment of rent and taxes. That men should refuse to pay taxes, being discontented with the government, and in doubt as to the continuance of its authority, might be one of the ordinary features of disaffection; but nothing but the desire of subverting all the rights of property could suggest the refusal to pay rents. Such was the testimony of the grand jury of Lancashire. But, leaving the disturbed and disaffected counties of England, they had testimony highly respectable, and not anonymous, from the west of Scotland. He would ask, was it true or was it not true, that the duke of Hamilton (than whom no man stood higher in rank and character) wishing to gain signatures to a loyal address, and to form a corps for the preservation of the peace, and the protection of property, had found both impossible? In the west of Scotland, there had been meetings at which, whatever some persons might say of the peaceable disposition of such meetings, the peace was violated, and riots were committed for two or three days —riots, too, of peculiar malignity, for clergymen were attacked without any pretence or provocation. The case, then, for the measures now brought forward, was made out—first, by the notoriety of facts and proceedings throughout the country; and, in the second place, it was confirmed very much by the papers on the table. He came now to consider the second point of view in which he had proposed to discuss the question: that was, whether the present laws, impartially and vigorously administered, were sufficient to meet the danger. He was of opinion

that they were not sufficient. He did not know whether the laws might not have been equal to the task at a former period; but now, after the course which had been pursued, after the supineness of ministers and the oscitancy of the attorney-general, that strong measures were necessary to overwhelm the torrent of blasphemy and sedition which had assailed us, he could no more doubt than he could doubt that he was at that moment addressing the speaker. The law was very strict against high treason, and any thing that might be construed into high treason; but such was the proper regard for the lives of the subjects which our laws possessed, and such was their salutary jealousy of arbitrary power, that the execution of the law against treason was very difficult. God forbid that they should attempt to restore to this law the harsh features of which their ancestors had deprived it. But the rankest treason existed in the country. After the evidence of the resolutions passed at the meetings, to say nothing of the conduct which was exhibited, would any man say that there was not something proved which was tantamount to treason? It might be said, it had indeed been said, that the laws had not been enforced. But after the acquittal of Mr. Hone, there was very little chance of the conviction of any man in Middlesex, at least in London. The defence set up on that occasion was ridiculous, as it went on the assumption, that because the libel prosecuted was seditious as well as blasphemous, its publisher must be innocent. The acquitted person (for he wished to use no harsh names) had also founded his defence on the motives of the prosecutor; but motives had nothing at all to do with the question. The consequence of this acquittal was, to license blasphemy and sedition. In the last year things had taken a turn, and it became doubtful whether prosecutions would not have been more successful, as it had been found that juries were ready to do their duty in the case of that miserable wretch and execrable offender, Carlile. Still he was of opinion that the existing law was insufficient; but he would not now detain the House longer upon the subject of the public press, as that part of the question would come again before the House. With respect to the Seditious Meetings bill, the old law was very severe—at least, as it had been explained, it admitted of a very severe interpretation. But the old law was indefinite. Meetings such as were now held had never come into the contemplation of the framers of the old law; such meetings could not have then come within the purview of any man's imagination. This was evident by the letter from the magistrates of Manchester. The existing law was difficult to be understood, as appeared by the communications from those, and from other magistrates, for they could not ascertain whether a meeting was illegal where no overt act of plunder and no breach of the peace had been committed. Then came the question, whether the present bill was calculated to remove the difficulty. But into this he would not now enter, because that would be forestalling a future discussion. He did, however, believe the bill to be necessary, and he hoped that it would be rendered immediately efficacious. The evil, it had been contended by his hon. and learned friend, was local. In what sense could it be said to be local, when the diffusion of seditious writings was universal, comprehending the capital and the most populous districts, and districts where the people were most easily brought to bear upon one subject. However, he admitted that if it could be established that the evil was local, it was a question deserving consideration, whether the bill ought not to be confined to the counties that were disaffected; and lieutenants and grand juries be authorized to extend it to their counties if required. His hon. and learned friend had said, that this was a permanent remedy, applied to evils which were transient. If they were transient, they must be so, because the cause was transient. He thought distress the cause, and believed that, if distress were banished, disaffection would be, if not extinguished, diminished to so contemptible a size, that the law could cope with it, or that it would be unworthy of attention. He did not believe that any part of the people, living as they did, under the freest and noblest constitution in the world, would rise against it, if not under the deepest distress. This applied to all those who were now in a state little short of open rebellion. He begged here to ask those members who were connected with the manufacturing districts, who themselves, or whose friends had capitals employed in manufacture—he begged to ask them whether there was any prospect of the distress being speedily cured, and whether they did not believe it would continue

for many years? If so, the bills ought to be coequal in duration to the distress which occasioned them. But, to fix upon a period of five or seven years, would be more harsh than to take an indefinite period. He did not know what plan the noble lord had in view as to this point, but he hoped that the measure would be adapted to the exigency, both in extent and in duration. But that was matter of opinion. But if the measure were made local, as he greatly preferred, it would be implied on the face of it, that it was also temporary. There would be an implied pledge on the face of the bill, that it would be continued only while the counties to which it was confined required its operation. His hon. friends had talked of a system of coercion. When they spoke abstractedly of a system of coercion, he was at a loss to understand their meaning. Every penal law was part of a system of coercion. He supposed they meant the application of force beyond what was necessary to put down an intolerable evil. He agreed to that construction of the term, but that construction did not apply to the measures now proposed. He agreed, at least he certainly would agree, to most of those measures, because he viewed them as no other coercion than the preservation and putting down of evils which could not be prevented or put down by any other means, and which threatened the safety of the state. He agreed with those who favoured conciliation, so far as to wish to see that sort of conciliation, which was never to be discovered in the measures of his majesty's ministers. The first step of conciliation which ought to be adopted was, an inquiry into the proceedings at Manchester. It was a most important duty, as well as a part of wise conciliation, to inquire promptly and impartially into proceedings which involved the rights and liberties of the people. The second step was economy. No real economy had ever been attempted by ministers. Conciliation in every shape appeared to be banished from the ministerial vocabulary. The very word they never used. According to them, the people were always wrong, and were never to be conciliated. From the course they were in the habit of pursuing, the measures now about to be placed in their hands would lose much of their effect. Popular meetings were so spoken of, that a paltry desire to insult the people seemed to influence government. The lives of the subjects would, he really believed, be endangered, and the execution of the laws impeded, if ministers would not adopt conciliation, and abandon their system of exasperation and insult. Another part of conciliation was parliamentary reform. He would not now enter upon that question, although he was willing to enter upon it on a proper occasion, and to support it. He did not go so far as his hon. and learned friends in the belief that this measure would have a very great effect in conciliating. He did not, however, agree with the hon. and learned gentleman who had last spoken, that to concede reform, would be to succumb to the radical reformers. If the House were unanimously to unite, as he wished to God they would, in putting down rebellion, then they might, without losing sight of their dignity, safely proceed to an inquiry, the result of which would perhaps do away some of those abuses which at present weakened and defaced the legislation and administration of the country. While he supported the measures now proposed as really necessary, he must say that those measures would be less efficacious and more inoperative in the hands of ministers, than they could be in any other hands. The noble lord might smile, and suppose that he wished him removed only because he wished his right hon. friend in his place. He could assure the noble lord, that he should be very sorry to see his right hon. friend in his place, because he was sure that his right hon. friend, by becoming the minister of the crown, would become less popular. He believed that his friends, considering the frailty of human nature, would be less useful in administration than they were when united in opposition. But he more particularly objected to the execution of the measures now proposed being confided to the present noble secretary of state for the home department. He knew not what induced his royal highness the Prince Regent to intrust the home administration to that noble lord in such a crisis. He knew no title which that noble lord possessed, for our domestic government, except an unblemished private character. In his hands authority was regarded with contempt, and the unsparing exercise of his authority only increased insubordination and disaffection. He said so with regret, because a better or a more affectionate man in private life he did not know. But in the present crisis he de-

precated the noble lord's return to measures which would greatly increase the danger of the state; and wished to see his place filled by some one else of the noble lord's own party.

Mr. *Macdonald* declared, that he felt much difficulty in rising to reply to his hon. and learned friend, the solicitor-general, both because his hon. and learned friend had spoken so ably, and because he had carried the House along with him by the enthusiasm of his eloquence. But, difficult and painful as he felt this task, he should feel it more difficult and painful to refrain from expressing his sentiments on the present important occasion. His hon. and learned friend, travelling in his speech with the greatest rapidity from London to Glasgow, could see nothing in every face that he met but treason and sedition. To the apprehensions of his hon. and learned friend on this subject he could not subscribe. If the bill immediately under consideration were of the character of the Training bill and the Seizing for Arms bill, he should have no hesitation in reposing confidence to ministers to that extent, but he could not consent to entrust them with powers which appeared to him to be inconsistent with the general interests of the people, and with the integrity of the constitution. In his hon. and learned friend's speech, in the speech from the throne—in the very circumstance of parliament's being brought together at that moment, there was involved this most important avowal, namely, that all the experiments hitherto resorted to—that all the restrictions already passed with regard to the rights of the people, and more especially, as his hon. and learned friend had expressed it, the suspension for a twelvemonth, of those rights, without which, no British subject could be considered a free man—that these had all failed in staying the progress of the evil, or in restoring that which ought to be a common object to all of them—the peace, happiness, and prosperity of the country. It was confessed, that since the adoption of those measures, the evil had, instead of diminishing, gone on continually augmenting. Surely there was here enough to make them pause. But instead of that, ministers now came down determined to persevere still further, and such was the fatal progress of their violence, that having arrived at our present state (and there could be no worse symptom than the complacency with which the proposition was received), we must proceed still further. The House were asked to impose a tax on the press, in order to give the means of paying 12,000 additional troops in this country; and hand in hand with that proposition was another for the suppression of public meetings. Was it meant by this latter measure to prevent meetings of the description of that which had turned out so fatally at Manchester, and which, in the opinion of the law officers of the Crown, was an illegal meeting? That might be effected by a declaratory law. But the measure now before them, went to deprive the people of this country of a privilege, without which there would have been no House of Commons sitting there at that moment,—the privilege of meeting to petition, or at least, to reduce the exercise of that privilege to the limits of a parish vestry room. If they had arrived at such an extremity, they ought at least to look to the magnitude of the sacrifice. Let it be ingenuously acknowledged. The dreary road they were travelling year after year, seemed but to lead to this proposition—and the speech of the noble lord camevery near it—that the character the feelings, and circumstances of the people of England had underdergone so essential a change, that the ancient system of government hitherto followed in this country, was now become insufficient. This was the question, disguise it as they pleased—this was the question they were all called to put to themselves. If, however, the progress of time, and the alterations of society, justified and demanded those violent changes, or encroachments rather, on the constitution, how was it that the same men who introduced and urged those encroachments opposed any change in the state of the representation which the same progress of time and alterations of society had rendered altogether unequal to its original intention? The speech of the noble lord in introducing the proposed measures was strongly impressed upon his mind. It would not be readily forgotten by any who heard it. Perhaps that speech, in words, tone, and manner, had not received so good a comment as from a noble lord, the member for Northallerton, whose speech reflected, in the opinion of all who heard it, the highest honour on that noble lord, and impressed them with the highest opinion of his talents. The noble lord who introduced

the measures before them, had supported those melancholy measures—for melancholy they were in all their aspects—by stating his view of what was passing, not only in this, but in other countries. If they followed the example of the noble lord, and looked into other states, what would they see but a tremendous system adopted for the purpose of overawing the inhabitants of every country by standing armies—one great conspiracy for overturning by standing armies, and the court of inquisition, of which the head-quarters were at Metz, the last remains of European liberty, and establishing a universal military despotism? The noble lord the secretary for foreign affairs, could not possibly have been guilty of more flagrant indiscretion; for he could hardly fail to know how much an expression of that sort contributed to propagate a calumny which had been so industriously propagated in this country, that all these measures were part of a system adopted in connexion with foreign cabinets; although, as an honest man, he was bound to say, that he believed a grosser calumny could not be uttered. It was of importance that the disorders should be put down; but it was of still more consequence that they should put down the disposition to disorders. Inquiry into the late proceedings was actually necessary, and he was rejoiced that one had been called for by his noble friend, the member for Northampton; and he could hardly yet believe that the House, in rejecting it, meant to content itself with the brief collated and compiled by the secretary of state himself, against whom the very situation of the country furnished a *prima facie* ground of accusation. The theory of himself and his friends was this, that the cause of the existing disaffection was distress. The theory on the opposite side of the House was, that the distress was incidental, and that the disturbances generally proceeded from an abstract love of political discussion. His theory, and that of his friends, was borne out by the evidence of the magistrates in the disturbed districts, and by numerous other circumstances. The opposite theory was borne out by nothing. Coercion might still be persevered in, but it would fail. What did ministers say, but that they would go on persevering in their system of coercion, extensively, generally, and for ever? He, and those who thought with him, on the other hand, said, "Stay your hand, except in spots where a strong pressure may be necessary, and conciliate the people generally." But it had been said, what was meant by conciliation? He wished to institute an effective examination into the whole system of taxation—to inquire into the foundation of our commercial and manufacturing system—to pare down the expenditure of the country to the last shilling; and farther, he would concede to the desires of the sensible people of this country among the middling and lower classes (for they were the best allies of the state) all in the way of reform, that was not absolutely inconsistent with the safety of the constitution. If they failed in their attempts at conciliation, and fail they could not, except the people of this country were rotten at the core, which he could not believe; but if they failed they lost nothing, and if they did not fail they gained every thing in putting themselves absolutely in the right, and acquiring the support of every honest man in the country. But he not only differed from ministers as to the remedy, but he differed from them also in their estimate of the danger. Without the aid derived from the distresses of the country, that small band who had been so long on the stage, would really be nothing. That band, if let alone, would soon be seen cutting each other's throats, and endeavouring to debase, if it were possible to debase, each other. Without leaders, without means—for their military chest was found lately to contain only 4*l.* 13*s.* 6*d.*—and without the hope of foreign aid, which was always looked to in the insurrections of former times, they had very little chance of enlisting any from the other classes of society; and their only hope of doing so must be founded on the enactment by the legislature of such measures as those now proposed. Admitting, as he did, that these men were only a contemptible body, he did not still deny, that they ought to be put down, and their efforts counteracted; but he denied that parliament would be justified in passing any new laws upon this subject, unless it were first fully proved, that the laws now in force were found insufficient. He had yet to learn that they were so. He challenged any man to say, on his honour, he believed the existing laws had been effectually executed. Let the House look back to the nature of the prosecutions during the last three years. Sometimes the grounds for prosecution

were frivolous, frequently they were equivocal, and sometimes, which was worst of all, they exposed the government to the charge of hypocrisy. He would also invite his hon. and learned friend the solicitor-general to look to the dark and malignant libels which he had so properly described as provoking to assassination, forgery, and other crimes, and which had been suffered to go forth with impunity, and then say, if he could, that the laws of the country had been duly enforced. When it did happen that a prosecution had been instituted by some strange fatality it was made to assume the appearance of persecution. Where government ought to have punished a knave, they created a hero; until at length they brought the existing laws into such contempt, that they were now compelled to come forward to ask new ones. With respect to blasphemy, was it not admitted on all hands, that there were laws in existence against it, and what obstruction had been experienced in carrying them into execution. The only instance in which it had been prosecuted proved what ought never to have been doubted, that juries would do their duty. The one work which was prosecuted, and justly prosecuted, was sold at such a price that it was not reasonable to suppose it could get into the hands of the lower classes; but was not the fate of the publisher of that book sufficient proof that if such publications were brought before a jury, ample justice would have been obtained? He hoped that any thing which fell from him on this occasion, would not be understood as disrespectful to the Christian religion: he meant nothing of the kind; for he believed that the Christian religion was the true basis of all moral and social order—that upon nothing better or safer could all our institutions be founded—and he believed further, that the people had no relish for the impious trash which had been published, and that the known alliance of Hunt, the leader of the democrats, with Carlile, the chief of the infidels, had done more to open the eyes of the people to the objects of both, than all the acts of ministers put together. He was not disposed to make rash or angry charges; but he did charge ministers (and as God was his judge, he did so without envy, hatred, or malice) with having highly exasperated the public mind, and aggravated the evils of the country. He did impute to them, that they had given false statements of the commerce and manufactures of the country—he did say too, that from the commencement of peace up to this moment, there had been no retrenchment of the public expenditure, but what was wrung from them; and not content with refusing to yield any thing to the distresses of the people, some of them had even insulted that distress. He appealed to the hon. member for Bramber, who had inveighed with so much eloquence against parties, if, with this conviction on his mind, he should be justified, were he, on such a statement as that which they had received, at once to throw into the hands of his majesty's government additional powers which he was conscious must be abused. For these reasons, he did call on the House of Commons to pause, for they might depend upon it that the proposed measures would not be of a stationary nature. They might be assured that the 12,000 additional troops voted this year, would be twice 12,000 ere long, that the additional tax on certain productions of the press, would soon be followed by a prohibition of them—and that the few remains of the right of the people to meet, still left, would be soon annihilated. But he would ask, when all was done, what must necessarily be the effects of such proceedings? Why, continued fear and distrust on one side, and a feverish discontent on the other. He considered the silence with which these measures were already looked upon in the country, as an awful foreboding. It might well be said,

——" ipsa silentia terrent.
" Inde domum."

It would indeed be melancholy to see a once free Englishman retiring into a corner, and glancing all around him before he ventured to deliver his opinion on a common passing subject. Would such a state of things make the sovereign happy, and the people content? No; suspicions and ill-will would be constantly rising between them, and the generous feelings which once united them would be no more. Then might the prince say to his ministers, " Why have you robbed me of the affections of my subjects? Why have you made them indifferent about my welfare or their own? Restore me the lost energy of my people. It is true they were sometimes clamorous, sometimes turbulent, but always Englishmen. Restore them to me such as they were, and I

care not for their temporary excesses. Tell me not of their disaffection. When the shores of my kingdom were menaced, did they not advance by tens of thousands, and by hundreds of thousands to defend it? when the heiress of the throne died, was there a dry eye among them? and were not these proofs of patriotism and loyalty?" When the day should arrive that language like this should be called for (and arrive it would, if the present course were persisted in), it would be found too late that the glory of the greatest and happiest nation of the earth had passed its meridian.

Lord *Lascelles*, as he had been referred to as ascribing the existing disaffection to distress, wished to explain what he had said on a former meeting. After the last prorogation of parliament, he stated mischievous men to have gone forth in the country, to inflame the minds of the ignorant. The existing distress had produced such effect on their minds, that the machinations of the disaffected were more successful than they would otherwise have been. This he believed, but he had never said that the whole of the disaffection arose from distress. The distress had first collected audiences to listen to the doctrines of sedition preached to them, and by constantly hearing these doctrines, the people had at last become partisans of them.

Mr. *Davenport* said, he would support the measures before the House, because he thought there never was a period when that House was more imperatively called upon to adopt strong measures to put down the disaffection which existed, and which, if not checked in time, would destroy the deluded people themselves, and subsequently the trade of the country. Advantage had been taken of the distress which prevailed to inflame the minds of the poor; but it was not in the districts where distress most prevailed that the people had been most clamorous. He reprobated the seditious and blasphemous publications which had lately issued from the press, and called upon the House, by putting them down, to defend the peace, good order, and religion, of the country. He valued the rights of the people as much as any man, and he would not give a vote which could in any degree infringe on those rights, if he did not think circumstances required it.

Mr. *Fazakerley* admitted the danger that existed, and could not see any reason for refusing to grant more extensive powers to administration to meet the evil. Property was no longer safe, the ordinary operations of business were interrupted, and he much feared that even the public institutions of the country could not withstand the attack with which they were menaced. He apprehended, however, that if parliament proceeded, without limitation, to the enactment of still more restrictive laws, it would be defeated in its object, and that the confidence which should subsist between it and the public, and which was already impaired, would no longer have any existence. It should be remembered the evil happily was local. With this recollection at hand, he had no doubt many would join him in saying to ministers, "take even this bill with all its extensive powers and imperfections, but let its enactments be confined in their operation to the peculiar districts tainted with sedition and irreligion." These enactments it might be necessary to enforce for the present, in five or perhaps six different counties at the utmost, with a provision, however, introduced in the bill, that should it be considered necessary, in consequence of a representation made by the lord-lieutenant or the county magistrates of the disaffected state of any other county, the secretary for the home department, as was formerly the case in the troublesome times preceding and subsequent to the Irish rebellion, might proceed to proclaim the said county under the operation of this act. Thus far he would go, but he could not consent to have a measure permanently applied to the whole country which was only required by the conduct of a small portion of it.

Mr. *Crompton* observed, that he felt it his duty to exculpate that part of the county of York, denominated the North Riding, from the charge of disaffection, which had been levelled indiscriminately at Yorkshire in general terms. He had been long connected with it, and he never had heard of the existence of political disaffection or irreligion in that district. Under these circumstances he should have preferred local measures of restriction.

Mr. *Peel* wished to give his opinion on one or two subjects, which had been so often discussed in that House, that he should fear to offend by the mere repetition, if he did not feel it of some importance that he should speak on them, having been prevented from doing so by indispo-

sition, which had kept him from the House since the night on which it first met. The circumstances on which he would offer a few observations, were those connected with the meeting at Manchester on the 16th of August. He was particularly anxious to offer a few observations on this subject, as he was connected with that part of the country by ties of birth and early acquaintance; but at the same time he should observe, that there were no ties which could prevent him from taking an impartial and disinterested view of the transactions in question.—He had no connexion with any of the gentlemen who had acted as magistrates, and his acquaintance with any of them was slight. But from the means of information which had been afforded him—from his conviction of the motives on which the magistrates acted, and of the dangers which threatened Manchester, and his knowledge of the unjust calumnies by which the magistrates had been assailed—he felt he should be abandoning his duty if he did not endeavour to make them all the compensation which an humble individual was capable of making to them for their wrongs, and bearing his testimony in favour of their services. Any man who formed his judgment of the conduct of the magistrates merely with reference to what passed on the 16th, had taken a very narrow view of the case, both as to the danger which then threatened the public, and as to the services which those magistrates then rendered to the public. To arrive at any thing like a just opinion on the case, reference must be had, not to that day alone, but to what had occurred in and about Manchester for months, and, he might add, years before, and to the nature and constitution of society in that part of the country. By such a view alone could any one fairly judge of the conduct of the magistrates, of the precautions which they had taken, and he would say, of the success with which those precautions had been attended. It was true, that the parties who called the meeting of the 16th, professed an intention of petitioning parliament. It was true, that the people collected together under this pretence marched into the town with bands playing God save the King. It was true, some of their banners were inscribed with the words "tranquillity," and "order"—and it was true, that the chief of the demagogues inculcated order and sobriety. But was any man infatuated enough to think that such pretences as these ought to have lulled the magistrates into security, or induced them to relax their preparations? Let any man consider the situation in which the magistrates were placed; let him consider the information which they had received, the knowledge which they possessed of the state of feeling in Manchester and its neighbourhood amongst certain classes, and from that let him judge of the conduct which they had pursued. He would appeal to the report of the secret committee of the House of Lords, presented in 1817, for the state of Manchester at that time, and which state the magistrates must have fully borne in mind. Here was the opinion of as respectable a body as it was possible to select in the country, and he should presently read it to the House. There had been, in 1817, two meetings in Manchester professing the same object as that which was held on the 16th of August. At the first of these, which was on the 1st of March, and which was attended by about 10,000 persons, the monstrous proposition was put and carried—that the assembled multitude should divide themselves into bodies of ten persons each, with a separate leader, and that, in that state, they should march to London, to present their petitions. But the character of the second meeting was infinitely more dangerous; no man could contemplate it without horror—not so much from the fear of internal commotion, as of the destruction of all moral and social order. Now, what did the Lords' report say of that meeting? "It was on the night of the 30th of March that a general insurrection was intended to commence at Manchester. The magistrates were to be seized, the prisoners were to be liberated, the soldiers were either to be surprised in their barracks, or a certain number of factories were to be set on fire, for the purpose of drawing the soldiers out of their barracks, of which a party stationed near them for that object were to take possession, with the view of seizing the magazine. The signal for the commencement of these proceedings was to be the firing of a rocket or rockets, and hopes were held out that 2,000 or 3,000 men would be sufficient to accomplish the first object, and that the insurgents would be 50,000 strong in the morning." Why, with such a document before them, would any man assert that the magistrates were not justified in taking the precautions which they had done?

Suppose they had acted otherwise, should we not have heard of a strong case against them for their supineness? Suppose they had not interfered, and that violence had ensued, with what eloquence would it not have been urged on the other side, that they were the cause of all the disturbance. In his conscience, he believed, that it was impossible for men under such circumstances to have taken better measures or more wise precautions for ensuring the public peace than those magistrates had done. He declared on his conscience, that in his opinion, not only were they justified in doing what they did, but that benefited by subsequent experience, were the same case to occur again, it would be impossible for them to proceed in any other manner. When he said this, he begged it to be understood, that no man more deeply deplored the loss of lives which took place on the 16th; but were he to enter into a comparative estimate of the two evils, the suffering the meeting to proceed tranquilly or the loss of lives, he would say he believed on his honour that the loss of lives was the less evil. Was it nothing that such meetings should continue and produce their accustomed consequences? Were the intimidation and terror nothing? He had heard it asked, why had not the magistrates prevented the meeting? He in turn would ask, how could they prevent it? How would hon. gentlemen, who asked such a question, have advised the magistrates to act? Thousands of men were advancing in bodies, with banners, marching in regular order, under leaders, as yet peaceable he admitted, from the various towns about Manchester, from Middleton, from Rochdale, from Oldham. Were they to send two or three constables to 5 or 6,000 men to tell them that they had been invited to a public meeting, but it would be inconvenient for the public peace that they should attend, and that they had better stay at home. If they had done so, would it have been effectual? or would it not rather have tended to bring the civil power into contempt? Those bodies of people had committed no act of violence in their approach; would it then be said that a body of military should have been sent to disperse them? Or, if that had been done, and they (the military) had been overpowered, what might have been the consequence? If one of the detachments sent against those large bodies should have been overpowered in the collision, the consequences of the impression on the public mind in Lancashire would have been most fatal. With respect to the part which ministers had acted on this occasion, he conceived that they would have been guilty of a gross dereliction of their duty, if they had acted otherwise. Not only were the ministers praiseworthy in delivering to the magistrates the thanks of the Prince Regent, but it would have been the most signal proof of their unfitness to hold their situations, if the only recompence for men who had devoted their whole time and labour to the preservation of the peace, had been to depart from the ordinary course of proceeding to their prejudice. Was it not as reasonable as it was accordant to practice, that persons who were qualified to perform such important functions should be believed on their statements till there was reason to suspect them? On what ground was the commander in an action thanked by his sovereign? was it not on his own statement? The duke of Wellington when, for instance, he stated in his account of the battle of Talavera, that he defeated the enemy—that he had rescued his army from imminent peril, was he not to receive the thanks of his sovereign? Was he to be told by the ministers—"We hear that marshal Victor, who is opposed to you, has sent a very different account of the matter to Buonaparte—the gentlemen of the opposition are prepared to find fault with you, and military critics will tell us that you committed blunders, and therefore we must suspend our thanks until an inquiry into the fact has been instituted." If such conduct was pursued, we should not have such generals as the duke of Wellington, nor men of independent fortunes, who, in spite of the allurements of foreign travel, or the pleasures of the capital, of their own ease, devoted their time to the preservation of the peace in towns in which they had no personal interest. If in the honest discharge of their duty the magistrates were to be thus treated—if the first act of ministers should be to find a true bill against them, why, the result would turn out, that instead of an unpaid and active body of magistrates, the local administration of justice would be confined to men who were now so much talked of — he meant stipendiary magistrates. He would appeal to the civil commotions in this country, he would appeal to the history of the civil commo-

tions of France, and he would ask, what on those occasions had been the effect of ill-timed rigour, and what had been the effect of ill-timed concession? The fatal effects of the latter had been written in blood; and fatal indeed must the consequences be to this country, if government were to be deterred by popular clamour from the performance of its duty, and be induced to withhold an expression of its approbation from a course of measures which the circumstances of the times so fully warranted. He had said thus much from the strong feeling of obligation which he thought was due to the magistrates of Manchester, to whom was to be ascribed the rescue of that part of the country from the most imminent danger. He would now proceed to the discussion of the subject which was more immediately before the House. He had listened to the speech of his hon. friend opposite with all the attention which the prepossessions of early friendship would naturally excite; and he professed that he was exceedingly surprised, knowing the ability which he had upon all occasions exhibited, to find that throughout the whole of that speech there was not an argument, or an attempt at an argument, to show that the measures which were under discussion were not necessary. Judging from the speech of his hon. friend, he was bound to say that he anticipated his vote in favour of the motion; for he had not only not diminished the danger in which the country was placed, but had unfortunately magnified it. He had stated that the consequence of raising 11,000 men would be to render it necessary to raise double that number in the ensuing year; and had added, that the state of the country afforded a ground of impeachment against one of his majesty's ministers. How this proposition was to be supported he confessed himself at a loss to imagine. But there was one part of his hon. friend's speech for which he could not account, and that was how, after his sarcastic remarks upon the meetings at Glasgow and York, he had found so speedy a conveyance to the inquisition at Mentz. Upon an examination of the papers which had been presented to the House, he thought the necessity for the proposed measures must be evident to any one who had taken the trouble to read them. In adverting to these papers, there were two classes of men presented to their notice. The first of these were the lovers of peace, good order, and tranquillity: but there was another class of his majesty's subjects, whom, he apprehended, there was no individual in that House, who was the sincere advocate of the rights of the people, would support. He would ask any man whether he could read those papers, and forming his judgment upon them, and upon facts which were perfectly notorious, he could draw any other conclusion, than that there had been a great abuse of popular rights, and such an abuse as was calculated to bring down destruction upon the constitution? He did not found this observation upon anonymous information—he drew his conclusions of the dangers of the public peace, and of the dangers of the rights and privileges of the people, from documents which were to be found in these papers, and which were sanctioned by such men as lord Derby, lord Fitzwilliam, and the duke of Hamilton. Any individual who read those documents could come to no other conclusion, than that the danger of the country was extreme, and that it was absolutely necessary to adopt some immediate and powerful measures to check that danger. Now, with respect to the attempts which were made to make the danger appear ridiculous, he would only beg leave to refer to the case of the meeting described by lord Fitzwilliam, on Hunslet-moor. At this meeting some thousands of persons, men, women, and children, were collected together, and there, as was stated in the letter of lord Fitzwilliam, were again assembled the same itinerant orators who had been attending in other places. At that meeting, so collected, seventeen or eighteen resolutions were unanimously voted, and he would beg the attention of the House to the sort of statements which were thus disseminated among the multitude of men, women, and children who were present. In the first place it was resolved, that the debt of the country amounted—to what sum? No one felt, or lamented more, the pressure of this debt than he did,—but surely the evil was sufficient of itself without being enhanced by the inflammatory exaggerations of itinerant orators, and yet those persons stated to those who stood around them, that the debt of the country amounted to no less a sum than 100,000,000,000*l.*! and it was added, that this enormous burthen was attributable to the depreciated state of the paper currency. But the re-

solution which followed was more ridiculous, and, if possible, more wicked; for it was intended to create dissatisfaction and distrust towards those persons who represented their interests in parliament, upon a subject altogether disconnected from party feelings, and to bring into contempt or suspicion even the most disinterested exertions of the House for the amelioration of the people. It was this—"That the saving-bank scheme, which was instituted under a pretence of benefitting the working classes, when nearly three-fourths of them were out of employ, is an insult to common sense and real understanding, and ought to be considered as what it really is—an engine to work the last shilling out of the pockets of a few old servants and retired tradesmen, to enable the Bank and borough-mongers to pay the fractional parts of the dividends, and to create a sort of lesser fund-holders of those who know no better than to make a deposit of their hard earnings, to fill the pockets of those who are draining them of their last shilling." He would ask the House what could the persons who unblushingly made this statement have in contemplation? He would ask whether such proceedings was not one of the most miserable abuses of popular right which it was possible for the imagination to conceive? Another resolution was, "that as soon as an eligible person would accept the appointment, another meeting should be called to elect him as representative of the unrepresented part of the inhabitants of Leeds." Could this meeting, or meetings like it, be said to enlighten and enlarge the mind of the community? and were not evils of the greatest magnitude to be apprehended, if they were permitted to be repeated? But he called upon the House not to suppose that the evil stopped here; he only called upon them to listen to what lord Fitzwilliam said in another part of his report. His lordship said, "The resolutions passed were numerous and long, but I have not their particulars as yet, the managers not having yet dressed them up to their own liking for print, which I suppose they will do in the usual way on such occasions, without any very scrupulous attention to what was proposed and passed by the meeting." That was to say, that they would not scruple not only to mislead the people in the first instance, but to misstate in print, and to misrepresent the actual resolutions to which the meeting had come. Could any man alive see this without at once acknowleding the dangerous results to which it must lead? And would it be said that to place restraints upon such nefarious and abominable transactions, would be to infringe despotically upon the people's rights? [Hear, hear]. But when he considered the probable consequences which would result to the public peace from similar practices in the neighbourhood of Manchester, he could scarcely find words adequate to express his apprehensions. When he heard gentlemen talk of invading the rights and privileges of the people, he would ask whether there were not other rights to preserve than those which were connected with those popular meetings? When they talked of public rights, they should not forget that there were such rights, as the rights of property and of freedom, the right of exercising opinions freely, and of acting in conformity with those sentiments of loyalty which the true principles of the British constitution were meant to inculcate and to uphold. He should like to take any impartial stranger: and to describe to him the British constitution, the rights which it created and preserved and its practical operation on the happiness of the community. That stranger, of course, would not regard any fanciful theory, or the boasted balance of the three powers—monarchy, aristocracy, democracy; he would demand in what way was secured the lives, the persons, the property, the freedom of opinion of the subject, in short all those rights which it was absolutely necessary to the public good to maintain. He would place that stranger in some spots he would fix on near Manchester, and ask him what he thought of the practical operation of the British constitution? Let the House look to the details which were in the papers before them, and they would find a melancholy abundance of proofs of the sort of conduct which practised by those misguided men: they would see that, according to their construction of the British constitution, no man was entitled to exercise the right of allegiance, or entitled to protection, if he presumed to think differently from themselves. He again begged to state, that he did not make these observations upon anonymous information. Let the House look for instance to the examination of Francis Murray; they would find that he with three others had

left Manchester on the day preceding the 16th of August, and that he proceeded to an open spot at some distance, where he found 1,500 men exercising in military array, and formed as he had described it, in solid squares. This man was invited to join those persons, and upon his declining an immediate alarm was given that he was a spy. He endeavoured to escape, but was pursued by a body of these desperadoes, by whom he was captured: and how in this man's person was the liberty of the subject respected? He was actually obliged to go down upon his knees, and forswear his allegiance to his sovereign, as the price of his life; for he was not even protected from violence, having been shamefully wounded and maimed. But what was the melancholy appeal which this man who was not employed by the civil power (though where would have been the criminality if he had been?) was obliged to make to these advocates of constitutional power,—to those whose meetings were considered as no abuse, and those whose conduct it was said was not calculated to produce danger to the state? This British subject, in the possession of his liberty, guilty of no offence, entitled by the constitution to the free enjoyment of his own opinions, what sort of appeal was he obliged to make to this singular assembly? Did he say he was a British subject, and appeal to equal rights? He knew too well the temper of those into whose hands he had fallen. He said, and his appeal was, though a simple, a melancholy and forcible one, "For God's sake treat me as I would be treated by enemy. If I were flying from the French, and they, as an enemy, were to take me prisoner, they would grant me quarter; let me implore you but to extend to me a similar grace!" This was the language which a free born Englishman was constrained to address to his brother Englishmen, at a time when he was guilty of no illegal act, in order to obtain a cessation of torture. He would ask any man in that House if this was what was called the liberty of the subject? Rather, was it not one of the evils against which the British constitution did not guard, but against which it ought to be made to guard? Lord Derby too, to whose report an hon. gentleman had referred, and who, from his known political sentiments, might be considered a most impartial witness, what did he state? And here he could not avoid paying a tribute of gratitude to that noble lord for the manner in which he had acted—for the firm and effectual steps which he had taken to preserve those institutions upon which the prosperity of the nation could alone depend. What did this noble lord state? Knowing the spirit of loyalty which pervaded the respectable inhabitants of this district, he endeavoured to raise an association for the protection of the public peace, but in what language was he constrained to report the result of that effort? He says, alluding to the formation of an armed association, "I find a difficulty in obtaining a sufficient number of officers, even but for one battalion; but every entreaty has failed to induce the men to come forward." He would ask, was this a state of things consistent with the safety of the constitution? Were the loyal and the disloyal to be put upon the same footing? He would ask whether it was possible, in this state of things, when men were assured that great numbers of the disaffected were meeting to drill as soldiers, and to acquire a knowledge of military manœuvres, that the loyal inhabitants of the country would come forward? Was not the knowledge of such a fact calculated to produce the strongest intimidation? Look to the duke of Hamilton and Brandon's letter, what did he say? His grace said, that he had no doubt of the spirit of loyalty existing to a great extent; but he added, that "to the natural difficulty attached to the situation of the farmer, &c., in this country, there appears now a novel one, proceeding from the alarm excited by those who compose the various and numerous meetings in this district of the country." In other words, that the people literally stood in a state of intimidation, and were apprehensive of avowing their sentiments, lest they should be subject to the attacks of a stronger party. Was this the possession of the freedom of opinion? Gentlemen should consider what would be the consequences of this system of intimidation. It was not the upper classes upon whom this feeling would operate; they were in a situation to look to themselves; but let them consider the temptation to which those to whom the same protection was not extended, he meant men of moderate property were exposed. Would not they from the principle of self-preservation join that party from whom they had most reason to feel alarm? It was

not in human virtue, it was not in human firmness, to stem the torrent. Let the House reflect how great a danger was to be apprehended from the fear and despondency of the loyal. Let them think how many would rather dissemble their conviction than avow their fears, and amidst increasing enemies, and more dangerous threats, would join the ranks of those among whom alone they would find security. For the conduct of all these persons, for every man become disloyal for want of protection, they, the House would be responsible. But let them once assure the loyal part of the population of support, and thousands would at once come forward and avow themselves, who would otherwise be compelled silently to yield to a superior force. He came now to a part of the subject upon which he must dwell with more serious apprehensions. His hon. friend had asked to what the change and distress of the people were to be attributed? He had no difficulty in avowing his conviction, that in those districts which were called manufacturing districts, a change had taken place in their manners, and habits, and feelings, and he confessed that he found it much more easy to point out the causes of those disorders than to devise the means of preventing them. His hon. friend had made some allusion to the state of the representation, as being in some measure the cause of the changes which he had described; but he would recall to the recollection of his hon. friend, whether, when the nation was threatened by foreign invaders, the people did not flock in millions to the standard of their country, ready to sacrifice their lives in its protection. Was the state of the representation altered since that period? The hon. gentleman had talked of the distress which prevailed, being attributable to his majesty's government, or rather misgovernment. If this were the cause, distress must be the same every where, for the government was general; and yet it was an established fact, that distress existed only in particular quarters, while all the rest of the country was in a state of general happiness and tranquillity. They found disorders prevail in a distant county to a great extent; but they found Ireland, they found the south of England, they found the north of Scotland generally tranquil; and they found certain districts only, which had been subject to disorder for many years, in a situation of alarm. Then ought they not to look for a cause for this alarm to something different from what had been stated? They saw in those districts a manufacturing population, different in their habits, and different in their relations, as far as regarded landlord and tenant, from the population of any other part of the country. Being more populous, they naturally called for a more effective civil power; yet their civil power was more ineffective. They saw people collected in large towns, and a jealousy existing in conferring the appointment of magistrates upon individuals who employed those people,—if those individuals themselves, did not from their occupations, feel a reluctance in taking upon themselves so troublesome an office. When they saw also the great alternations which took place among the lower orders of prosperity and distress; when they saw the constant vicissitudes to which they were exposed; when they saw their imprudence in not laying up in times of prosperity against times of distress; when they saw, too, that when they had employment they only worked for two or three days in the week, and devoted the rest to dissipation; and when they recollected all the influence which a change in the situation of affairs, of fashion, or of speculation might produce on the state of these individuals, it could not be denied that they were peculiarly open to the mischievous designs of those demagogues, who of late had been so actively engaged in taking advantage of their temporary difficulty, and impressing upon them a belief that their difficulties were irremediable, except by a change in the representation. For these evils, as he before said, he thought it was much more easy to find out the cause than to suggest a remedy. Another reason at this time afforded an additional facility for promoting the views of the seditious—and this was, the state of information to which the public mind had arrived from the more general dissemination of education. He did not mean by this to say one word in opposition to education, or to the more speedy extension of knowledge—there were no greater evils than the evils of ignorance—but let them take care that the greatest blessing was not converted into the greatest curse of the people. Upon the whole, he was of opinion, that the measures which were proposed should be applied to the country generally, and not to particular districts; for he was satisfied if

an opening were left any where, it would be only affording an additional inducement to circulate in places yet uncontaminated, that poison which had operated so effectively and so mischievously in the manufacturing districts. He made his choice between what he considered two evils a farther restriction on valuable rights, and general anarchy and confusion; and he felt it his duty to attempt, by supporting the measures before the House, to prevent the disorders which now afflicted the manufacturing districts from spreading over the whole kingdom.

Mr. *Smyth* perfectly agreed with the right hon. gentleman who had just sat down, as to the magnitude of the danger by which the country was threatened, nevertheless he was not willing to infringe on any of those liberties which we had hitherto enjoyed. He also thought, that the popular assemblies so well described by the hon. gentleman, and so mischievously conducted by itinerant orators, ought to be suppressed. For this purpose he was willing to assent to any proper measures: but he would take the liberty of saying, that it was the incumbent duty of that House, in whatever measures they might think it advisable to adopt, to confine themselves strictly to the degree of danger which existed, and not to legislate beyond the danger. He had read the bill now before the House, and he thought the remedy which it proposed, (if remedy that could be called which was itself a mortal disease) ten thousand times worse than the evils it was intended to suppress. This bill appeared to him to be characterized by any thing but wisdom, and in many respects to be decidedly objectionable. He alluded particularly to the clause which tended to enact, that if in a quarter of an hour a stranger did not withdraw himself from any meeting, in half an hour that meeting, however salutary and necessary it might be, should be dispersed as illegal, and its chairman and orators would become liable to the penalty of transportation, that clause which referred to the course which was to be adopted, if persons attending meetings did not withdraw, upon proclamation being made to depart. This was a clause which was calculated to produce extremely injurious consequences; inasmuch as it might affect ignorant persons, and in all events left the decision of the character of the meeting to the caprice of a single individual. Another reason why he thought this bill was not strictly applicable to the state of the country was, that the evil which it was meant to correct was professedly local, while the remedy was universal. He complained however, principally, that the whole of the code of coercion proposed, neither struck at the root of the evil, nor reached its cause. It was necessary that they should first clearly see what were the causes, before they ventured to legislate upon their existing effects. The first cause he conceived to be the distress arising from the stagnation of trade. The second, the seditious and blasphemous publications, and the speeches of itinerant demagogues. The third, the conviction which prevailed among the people that were not duly represented in that House; and the fourth, the vexatious system pursued by the present government in maintaining an enormous peace establishment, and imposing, last session, three or four millions of new taxes on an exhausted people. Unquestionably, there did exist a great distress and much wretchedness in the manufacturing districts of this country, occasioned, as he apprehended, by a declining trade, and by the inactivity in which commerce had long languished. That distress, it was the peculiar misfortune of the case, was aggravated by the sensations excited by those seditious and blasphemous publications which were there circulated, and by those speeches which were there made by itinerant orators. Yet the spirit of disaffection, he must contend, was not owing to the disposition of the manufacturing districts themselves, but to that system of measures whence it took its actual rise. Undoubtedly, nothing could be more abominable than the practices of those men to whom he alluded—men who heightened the distresses which they affected to deplore, and embittered the sufferings they would pretend to relieve, by superadding the poison of sedition and impiety.—There were also other and efficient causes of the present distress. It had been invidiously attempted to prove that the middling and lower classes were alienated from the higher classes of society. Pregnant as this insinuation was with mischief and discontent, it was one main cause of the existing distress. But there were, moreover, inherent defects in the constitution of that House itself. The measures adopted by the House, as at present constituted, were as good as the House could be expected to frame: they

were as wise, as benevolent, as just, as salutary, as that House, as it now existed, could perhaps adopt. The main argument by which those who approved the present state of the representation, defended it, was that it "worked well." This was a good argument with those who approved of all the measures of the House of Commons; but it was no argument to those who disapproved both of its constitution and its proceedings. When he looked to the state of the country, and asked what was the effect of the various legislative measures that had been adopted, he felt justified by facts as well as theory, in strenuously recommending a reform in parliament. There was also a fourth cause of popular discontent; a cause of which, although he did not expect to find many honourable gentlemen who would agree with him upon the subject, he did not less doubt the existence; and that was, the irritating and most vexatious system of measures pursued by his majesty's ministers. Let them look at the enormous, the unreasonable peace establishment, to be maintained by the country in its depressed and exhausted state; and then, without recapitulating those immoderate expenses of different departments, which must be fresh in the memory of every person who heard him, he could not help alluding to the large grants of money which had been made to the royal family; and to the unwarrantable suspension of the Habeas Corpus act. Had he not himself, during the last session of parliament, vainly protested against the imposition of between 3,000,000*l.* and 4,000,000*l.* of new taxes, during the present aggravated season of public difficulty? Unfortunately the existing discontent was rather increasing than diminished. From the means of information which he possessed, and from all that he had heard in the House, he was not yet satisfied in one point, upon which he should be most happy to be convinced—that the magistrates of Manchester, during the fatal transactions of the 16th August, had not exceeded in their conduct that propriety and forbearance which they were bound to observe. Yet the thanks of the Prince Regent had been conveyed to them with what was well and truly termed, "breathless haste:" and he had remarked with inexpressible astonishment, that, up to this day, not one word had fallen from his majesty's ministers, in compassion for the sufferings of those who were injured upon the occasion in question: not one word of that sympathy and condolence, which one should think it was natural for every man to entertain upon the subject. In the allusion which has been made to the Yorkshire meeting, lord Fitzwilliam had been described as having stood trembling in suspense for a hearing. This was utterly untrue. His lordship was received with the most respectful, but unbounded and enthusiastic applause, and it was impossible that any one who had witnessed the meeting could have given such an account of it. It was not true, then, that the lower orders were alienated from the higher. The contrary indeed was proved by the consequence of this act of ministers, as it showed the ardent feelings with which the people were ready to rally round lord Fitzwilliam, on finding that government regarded him as an enemy, because he acted as the friend of popular rights. What an impressive lesson did this occurrence furnish as well to the members of the government as to the higher orders of society! No one attempted to deny the existence of the evils which afflicted the country, but as to what was the proper remedy for those evils there was a general and strong difference of opinion.—Therefore to ascertain that remedy was, in his judgment, a very proper subject for inquiry. Such inquiry should indeed take place, and he was convinced that it must one day or other be instituted. The longer it was delayed, and that reform was refused which was obviously necessary, the more discontent and mischief he feared was likely to arise. He deprecated the language of the noble lord opposite, in ascribing mere party motives to those by whom his measures were opposed, for such language was but too well calculated to encourage the notions that were so sedulously propagated, that all the members of that House were actuated by mere party motives. Such an imputation was, he was persuaded, quite unfounded, and he was sorry to see it countenanced in any degree by the language of a minister of the crown; for it was highly material to maintain the character of that House in the estimation of the country. With regard to those seditious publications which he begged to observe by the way, had not now arisen, for the first time, he was fully willing to concur in any measures to repress them, provided such measures did not trench upon the liberty of the press. But the great

remedy would be, that the House should inquire into the expediency of effecting a parliamentary reform; a remedy which could not be administered without a proper and concomitant change of system, a change not existing in any one particular act, but in the general tone and character of the measures pursued by ministers. Unless there was such a change in public measures, unless conciliation went at least hand in hand with coercion, the public discontent would not be diminished, and the distresses which they were so sensible of, and which they so deeply deplored, instead of ceasing, must go on increasing from day to day.

Mr. *Abercromby* said, that upon so important a subject as the one before them, he must explain his reasons for the vote which he meant to give. From all that he had heard, after most attentively watching the progress of the discussion in one of the most diffuse debates at which he was ever present, he collected that there were three parties, entertaining distinct opinions upon the bill under consideration; one consisting of those who agreed with the noble lord, and thought that it ought to be immediately adopted; the second, of those who entirely opposed it; and the third, of those who thinking something was necessary to be done; yet thought that the bill should be neither general nor permanent. To the third party he himself inclined, and therefore his vote for the second reading of this bill should be conditional—namely, that its existence and operation should be temporary and local. It was perfectly impossible to hear those, who said that the disorders (out of which arose this measure) were not local, without feeling how completely they were contradicted by the facts of the case. It was quite impossible to look at those facts, or at the papers upon the table, and say that those disorders really extended beyond the counties which were strictly and properly called the manufacturing districts. Every one knew their relative proportion and extent; and it was equally impossible therefore, at the same time, not to be aware how large a portion both of England and Scotland was excluded from that description. From the statement of the right honourable member for Oxford it distinctly appeared that there were causes for discontent in the manufacturing districts, which it was desirable to remedy, and which could not possibly exist elsewhere. The right honourable gentleman had, no doubt, endeavoured to impress the House with an apprehension that the discontents of the manufacturing districts might extend to other quarters; but how could the alterations or vicissitudes of trade, by which manufacturing districts were so liable to be affected, operate in other places that were not in any degree concerned in manufactories? Was it not monstrous then, to extend universally throughout the country, those measures of restriction which were fairly applicable to the manufacturing districts alone, or to render laws permanent which were calculated only to meet temporary causes, for such the distress which they alleged to be the great source of the present discontents was deemed to be by the advocates for those laws? It was indisputably the duty of wise legislators to endeavour to guard even against the remotest evil consequences which might result from their measures. His hon. and learned friend, if he would allow him to call him so, the solicitor general, had observed, that this bill did not propose truly to interfere with the rights of lord lieutenants or sheriffs, or grand jurors, to call public meetings, or with the power of a certain number of magistrates to do so. What was to be expected from lord lieutenants and sheriffs the country very well knew; and that magistrates should call parochial or public meetings for popular purposes there were, in his view, very serious reasons to doubt. In fact it appeared to him that there was ground to apprehend from the operation of this measure, something like the corruption of the very fountains of public justice. If the measure were temporary, he should not entertain such an apprehension; but if it were rendered permanent, what a temptation would thus be held out to lord lieutenants to pack the magistracy, in order to serve the purposes of party. He could appeal to the noble secretary for foreign affairs, as to the condition of the magistracy of Ireland, in consequence of similar measures in that country. Such a bill as the present would, he feared, offer a strong motive for subjugating the magistracy to the absolute will of the minister. He spoke this at a time when an act had been recently done by his majesty's ministers, selfish, most purely selfish, unjust, cruel, vindictive, illiberal, and destructive of all independence of character and station—he meant the dismissal of lord Fitzwilliam. The dismissal of lord Fitzwilliam afforded a signal example

to all lord lieutenants who ventured to oppose the will of ministers. What, then, was likely to be done with the magistracy, under the nomination of such officers, if ministers deemed it material to reduce that body to subserviency? and that might be the case, if the measure under consideration were rendered permanent, could hardly be doubted. Therefore, on this ground, if there were no other, he would object to the proposition for rendering this measure permanent. He could not, indeed, as a cautious legislator, allow himself to move one step beyond the necessity of the case, and therefore he would not assent to have this measure either permanent or general. It had been uniformly the rule of all considerate legislatures, not to found a permanent law upon any temporary alarm—yet it was attempted to press this measure forward with such a degree of precipitancy as was scarcely ever known in the history of parliament. This he could not help observing, while he was ready to admit the existence of the danger alleged on the other side, and the necessity of providing an appropriate remedy. But the remedy proposed exceeded the nature and necessity of the case; besides, it was due to the merits of this case, and to the voice of the country, that some inquiry should be gone into before the measures brought forward by the noble lord were passed into law. He concurred with those who had observed upon the danger belonging to the immense meetings which had lately taken place in this country and in Scotland. The alarm created by such meetings was no doubt an evil of a serious nature against such alarm to the feelings and the property of the peaceable and well-disposed, he thought it the duty of parliament to provide—but that provision need not be carried beyond the districts where the evil existed, or the alarm prevailed. The meetings to which he alluded ought, he decidedly thought, to be put down; but this object might be accomplished without interfering with the permanent rights and privileges of all the people of England. A very different course of conduct was, he felt, due to the people of this country; for the distress which they suffered was such as to call loudly for relief—and the more so, as that distress was incurred by their efforts to supply the demands of the government. The fact was, that the great misfortunes of the people arose out of the conduct of the government, in calling upon the country to extend its efforts beyond its strength. Hence the public taxes and the public debt had been so enormously increased—hence the poor-rate had become so grievously oppressive, while the administration of that rate was too generally and perhaps too justly complained of by the poor, for whose relief it was raised. The country was pressed upon by a crowd of calamity which admitted of no palliation, and with regard to which a complete inquiry should be instituted in order to satisfy the people of the disposition of parliament to consider their wants and to redress their wrongs. He was most anxious to maintain the authority of parliament and the laws, and that was best to be done by consulting the wishes and interests of the people, and not by attempting to put down opinions by force. Such an attempt was indeed most monstrous, for all history showed, that neither the provisions of the law, nor the power of the sword could suppress the freedom of opinion. Whatever parliament could do for the amelioration of the condition of the people, he hoped it would endeavour to do; and that while it provided for the suppression of the tumultuous, and the correction of the disaffected, it would contrive to afford some relief to the industrious poor. At all events he trusted that parliament would take measures to secure the due administration of justice; and that the law, which was meant for the protection of all should be administered alike to the rich and to the poor. Upon the conditions, and with the reservations which he had stated, he should vote for the House going into a committee on the bill.

Lord *A. Hamilton* said, he was about to tender his vote for the motion, not in any confidence in his majesty's ministers, but from ocular demonstration of the actual necessity of some legislative measures, and upon the grounds and conditions which had been so ably described by his hon. and learned friend who had just sat down. If he were asked the causes of the existing state of things, and of the dissatisfaction unhappily prevailing among the people, he would state, distress. The first cause, the second cause, the third cause, was distress, and the utter inability of the people to obtain adequate subsistence from any application of their labour. No man could condemn more than he did the large and tumultuous meetings which had of late so much

alarmed and disturbed the country. But as the evil of those meetings was comparatively partial, and the cause he hoped but temporary, he could not accede to the adoption as a remedy of an universal and permanent measure. There were some districts which no doubt were in a very disturbed condition, but then there were others, to the loyalty, peace, and order of which he could bear unqualified testimony; and he could not, therefore, agree to any abridgment of the rights of the one, because it was necessary to impose some restriction upon the other.

Mr. *Coke* felt it proper to submit a few observations to the House, in consequence of what had fallen from his hon. and learned friend on the floor with respect to the probable condition of the magistracy, should the present measure become a part of the permanent law of the land. He meant as to the question whether, in the event of any lord lieutenant, or sheriff, refusing to call a county meeting, five of those magistrates, who were generally nominated by the lord lieutenant, were likely to do so. Some circumstances had come to his knowledge which he thought it necessary to state, in order to put the House on its guard upon this subject. It happened, he was sorry to say, that there had been of late years several contested elections in Norfolk, the consequence was the excitement of an angry party spirit throughout all classes, and the lord lieutenant of that county not being on the popular side of the question, was of course decidedly hostile to his (Mr. Coke's) principles and connexions. That nobleman, some time ago, was pleased to exclude from the commission of the peace, some gentlemen of most unexceptionable character, and whose landed property in the county entitled them to the distinction, but who happened to belong to the whig party. This extraordinary proceeding was represented to him (Mr. C.) and he was solicited to apply to the nobleman alluded to upon the subject. His answer, however, was, that he would not condescend to make any such application, but that he would refer the case to lord Eldon. To lord Eldon he did accordingly refer, and from that noble lord he met the reception which he expected from a just man and a gentleman. Lord Eldon, indeed, after observing, that it was not at the discretion of the lord lieutenant to exclude gentlemen from the commission of the peace, as that power belonged only to the lord chancellor, promised that the names of the gentlemen alluded to as they were those of proper and fitting persons for that office, should be inserted in the commission for Norfolk, which was done accordingly. In consequence of this example, a gentleman connected with the whig party being afterwards asked, whether he wished the lord lieutenant to put his name in the commission replied, "I will not make any application to the lord lieutenant upon the subject, Mr. Coke will take care of that." But should it become a material object with ministers to appoint only persons of particular opinions to the magistracy, under a lord chancellor, of different principles and character from lord Eldon, could it be for a moment doubted, that the apprehensions of his hon. and learned friend on the floor, as to the probable subserviency of that body, would turn out but too well founded. With respect to the language of the hon. and learned the solicitor general (which no doubt was meant as consolatory) that notwithstanding the adoption of this bill, lord lieutenants and sheriffs truly would still have the power of calling public meetings, who, he would be glad to know, had ever heard of a lord lieutenant calling a public meeting, and who had not heard that the most respectable requisitions for public meetings had been frequently refused by sheriffs? Upon the conduct of any sheriff who refused such a requisition, he thought it unnecessary to make any comment, but for himself he would say, that were a requisition signed by respectable gentlemen, presented to him as a sheriff, he should feel it his duty to comply with such requisition, however he might differ in political opinions from the gentlemen by whom it was subscribed, because it would be contrary to his principles in any case to interfere with the right of private judgment, or to impede the exercise of free discussion. The practice, however, of ministers had been, to his knowledge, for forty years, of quite an opposite description, and therefore he could not consent to increase the powers of men who acted upon such principles, particularly where he conceived the existence of such powers, not at all necessary. Looking, indeed, at the papers on the table, and to matters of universal notoriety, he thought the demand of ministers for those extraordinary powers quite unwarrantable, especially, satisfied as he was, that the meeting at Manchester

would have gone off as quietly as that at Hunslet moor, and as many others of the same description, if it had not been interfered with by the officious agents of authority.

Lord *Folkestone* expressed his surprise and regret to hear his hon. and learned friend and his noble friend declare their intention to vote for the motion before the House, upon the condition that the bill should be temporary and local, while they heard the hon. and learned solicitor-general and the right hon. member for Oxford state the resolution of ministers to render it permanent and universal. But it would seem from what his hon. and learned and his noble friend had said, that they had not read the bill before the House. From that bill it appeared that while its advocates professed so much respect and regard for the right of petitioning, the exercise of that right must become impracticable, for any efficient purpose, from the number of restrictions meant to be imposed upon it. The hon. and learned gentleman who opened the debate, had described the measure as still leaving untouched the right of meeting to as great an extent as was necessary for an expression of public opinion, and for conveying to the throne or the legislature the wishes or the grievances of the people. The bill provided, said the hon. and learned gentleman, for a county-meeting, if called by the lord lieutenant of the county, by the high sheriff, by the grand jury, or by five magistrates. As to the lord-lieutenant, it was the first time he had ever heard of his calling county-meetings; as to the sheriff, why, there were instances lately of that officer refusing to call meetings upon the requisition of numerous and respectable bodies of freeholders. The grand jury, as formed by the high sheriff, might partake of his party spirit, and it might not be possible to procure the consent of five magistrates, degenerate as the magistracy might become, and appointed by the Crown as they always were. Was it not probable, then, that all those parties might become disinclined to public meetings, and thus deprive the county of all means of expressing its opinions on public measures? Upon the fair, or popular, or impartial exercise of such a right, it would, indeed, be absurd to calculate, especially from the course which ministers appeared determined to pursue, For they had proclaimed to the country in the dismissal of lord Fitzwilliam from the lord-lieutenancy of the West Riding of Yorkshire, that the only road to office—that the only tenure of authority was in unconditional subserviency to ministerial opinions. "But," said the hon. and learned gentleman, "if all this fail, the people can still exercise the right of petition by district meetings," for the hon. and learned gentleman was cautious not to go the length of saying parish meetings during the whole of his speech, though such meetings were contemplated in the bill. Even those limited assemblies were, however, to be subject to the most vexatious regulations. The inhabitants were not to be allowed to meet where they chose, when they chose, and how they chose. The justice was to have it in his power to alter the time and place of assembling, fixed upon by the requisitionists, to appoint another time and place of meeting, when and where half the parish could not attend—in a room for instance which would not admit a tenth part of those who had a right to be present. Nay, more; the justice had it in his power to send one of his emissaries into the meeting who did not belong to the parish or district, one of the noble lord's spies for instance, whose presence or language might make the assembly illegal. The meeting on this might be ordered to disperse, and after a quarter of an hour all their proceedings would become illegal, their resolutions would be annulled, and they themselves would become liable to transportation. Under such regulations, restrictions, and penalties as these, were the boasted privileges of Englishmen to be exercised! He (lord Folkstone) would not support the bill as it now stood, in order that it might be afterwards modified. So objectionable did he feel the principle of the bill to be, that he could not agree with his noble or his hon. and learned friend in believing that any alteration of the provisions could change its character, and for his part he should oppose it altogether. He had the strongest objections to it, both in itself, and as making part of an obnoxious system. The noble lord, who had on Monday night opened his plan, would not allow him to consider this measure insulated; and the hon. and learned gentleman, who had this night played second fiddle to the noble lord, took a similar course. He would not, however, follow their example. He would not go into the other measures with

which the present bill was connected: "sufficient for the day was the evil thereof," and there was enough in this single proposition to sicken the House for one night. He felt it necessary, however, to allude to what had fallen from the right hon. member for Oxford, whom he did not then see in his place; and as the subject to which he was about to advert was important, he regretted his absence. But he must previously observe, that the more these proceedings were discussed, the more strongly was exemplified the propriety of the vote given by 150 members of that House on a former night, in favour of an inquiry into the events at Manchester. The very account of those events given by that right hon. gentleman differed materially from the account given by the noble lord, and both were at variance with the statements as disclosed in the correspondence from the magistrates at Manchester. The version of the noble lord was contradicted in several important particulars even by the hon. and learned the solicitor-general, and his noble friend, the member for Lancashire, in his statement differed from both. He had since read the account of a Mr. Philips, in a pamphlet which he had sent him (though he was unacquainted with the individual), and he found, that that account differed entirely from all the rest. Now, he would ask the House, ought any bill founded on statements so vague and contradictory, to pass till inquiry took place, and the present uncertainty was removed? Was it fit, in the present state of the question, ignorant as he was, and as the great majority of that House must be, of the actual facts, to proceed to the adoption of permanent measures of legislation, alleged to be founded on the notoriety of circumstances with the particular nature of which the House was uninformed? He, for one, professed to know nothing of the state of that part of the country to which the proposed legislative measures were intended to apply. He believed it to be very much disturbed, and would readily agree that something ought to be done; but, in his present state of ignorance on the subject, he could not judge what measures were best calculated to restore tranquillity, and he was sure that many other members were as little informed as himself. How could they, then, proceed to legislate, while they were thus in the dark? "But," said the ministers of his Royal Highness, "the case is urgent, and some remedy must be immediately applied." This did not appear. The meetings had been mostly discontinued. But allowing the case to be urgent, why did they not propose an act which should continue in force for three months, during which time a full inquiry might take place? Though the noble lord boasted of his majority on the address, and on the motion of Tuesday, as decisive against inquiry, still he (lord Folkestone) was persuaded that inquiry must take place. The country would never be satisfied till the statements which were abroad were ascertained to be true or false, or till further information was obtained. The right hon. member for Oxford had described the state of the disturbed districts as most lamentable, and in one part of his speech had made an observation which he was afraid too plainly indicated the sentiments by which the Manchester magistrates were actuated. He had said, he conceived that it was better that the blood shed at Manchester had been shed, than that the meeting of the 16th of August should have taken place, and should have been allowed quietly to disperse. Strange, indeed, must be the state of things, when such a sentiment was uttered in such a quarter. He did believe, however, that it was a sentiment on which the magistrates of Manchester acted. He did think he saw, from the papers before the House, an internal evidence, which went to prove that it was the object to produce the very result which attended the meeting of the 16th of August. The right hon. gentleman had asked, whether a few constables could have met the different columns as they marched into the field and have stopped their progress. He (lord Folkstone) saw nothing impossible in this. A proclamation, warning the people not to attend a meeting, had prevented one on the 9th, and he saw no reason why what had succeeded on the 9th should have been ineffectual on the 16th. That the meeting on the 16th was illegal, was a point maintained by the magistrates in their own defence; and if it was illegal, why did they not tell the people so, especially as they saw that they had attended to their previous warning? But he believed that it was not the object of the magistrates to prevent the meeting, but to produce the result which had ensued. They had seen a demagogue arrested at a public meeting in London, and they wished to imitate the vigorous example.

In the letter of Mr. Hay it was stated, that when they saw the different parties pouring in, the magistrates felt alarm, and received the depositions of several persons who swore that they conceived the town in danger. Did they take any steps on the first information? No, the time was not yet arrived: they did not conceive the insurrection begun till Mr. Hunt arrived. Their design, therefore, seemed evidently to take him at the risk of all the blood that might be shed on the occasion. In confirmation of this their intention, he might state what he had heard from a gentleman of undoubted credit—that it had been said at Buxton on the 14th of August, that Hunt and the other orators would be seized on the 16th, in the face of the meeting. Did not all this demand inquiry? And were we, without inquiry, to pull down the pillars of the constitution as would be done by this bill, and take away the right of guarding by public meetings our most precious privileges all over the kingdom, merely on the allegation of an unexamined local evil? He had already said that something ought to be done, but let the measure be of the same character as the evil—let it be limited to the disturbed districts, and, if made temporary, he would even agree to a measure of a stronger nature, if the House would pledge itself, after the retoration to a better state of things, to proceed into an examination of the causes of the existing evil. The House must perceive from the accounts of the various gentlemen who had spoken, that parts of the country were actually in a state of disorganization. Property, it was said, was at stake—loyal men were alarmed from coming forward—persons refused to be enrolled as special constables—and, strange to say! the existence of this state of things, nothing short of complete anarchy, was admitted by the very persons who, in the same breath, decided against the necessity of any inquiry by parliament. He doubted the truth of the representation, but at any rate it was a fit subject for inquiry. The bill, as it stood at present, was totally inapplicable to the required purpose. It comprehended equally in its penal regulations the innocent and the guilty; applied as much to the districts where the greatest tranquillity prevailed, as to those which were represented to be in the greatest disturbance; and was irreconcileable with the spirit and usages of the constitution. No alteration in a committee could remove his objections; he conceived it better at once to throw it out; and if the noble lord pleased, he could introduce one less objectionable in its principle, and more calculated to meet the particular evil.

Mr. *Peel*, in explanation, said, that however mistaken by the noble lord, he thought he had qualified his expressions respecting the meeting at Manchester sufficiently to guard himself from the suspicion of not feeling as deeply as any hon. gentleman could for the calamity of that day. The noble lord had certainly quoted his words correctly, but he appealed to the House, to believe, that though he had in words accompanied the observation with no qualification, yet it was far from his feeling to give utterance to any expression that bordered on inhumanity. He never under-rated the evil attendant on the dispersion of the Manchester meeting and the only reason why he thought it better than if it had taken another course, was that if that meeting had not been dispersed another would have taken place, and a collision might have ensued between the military and the people, in which much more blood would have been shed. He was anxious to state that such was his sense of the transaction, lest his expressions might be misrepresented.

Lord *Folkestone* said, that when he quoted the words of the right hon. gentleman, he by no means imputed to him any improper feeling. But he must be allowed to state, in answer to the right hon. gentleman's explanation, that as to the probability of a more mischievous result at Manchester from future meetings, in other places second and third meetings of a similar character had taken place, and no blood had been shed.

Mr. *Wilmot* said, that being fully sensible of the dangers which had given rise to the measures proposed, he considered those measures as calculated to preserve the liberties of the people, instead of infringing on them. There was, he said, a material distinction between liberty—a rational liberty—and licentiousness; for every physical good in the world, if carried to an extreme, would become an evil. The very air we breathe, the heat that fructifies the earth, the light from Heaven became noxious if unmodified; even our virtues might, by their excess, approximate to vice, nor is it otherwise with liberty. And when we now see her frantic

which the present bill was connected: "sufficient for the day was the evil thereof," and there was enough in this single proposition to sicken the House for one night. He felt it necessary, however, to allude to what had fallen from the right hon. member for Oxford, whom he did not then see in his place; and as the subject to which he was about to advert was important, he regretted his absence. But he must previously observe, that the more these proceedings were discussed, the more strongly was exemplified the propriety of the vote given by 150 members of that House on a former night, in favour of an inquiry into the events at Manchester. The very account of those events given by that right hon. gentleman differed materially from the account given by the noble lord, and both were at variance with the statements as disclosed in the correspondence from the magistrates at Manchester. The version of the noble lord was contradicted in several important particulars even by the hon. and learned the solicitor-general, and his noble friend, the member for Lancashire, in his statement differed from both. He had since read the account of a Mr. Philips, in a pamphlet which he had sent him (though he was unacquainted with the individual), and he found, that that account differed entirely from all the rest. Now, he would ask the House, ought any bill founded on statements so vague and contradictory, to pass till inquiry took place, and the present uncertainty was removed? Was it fit, in the present state of the question, ignorant as he was, and as the great majority of that House must be, of the actual facts, to proceed to the adoption of permanent measures of legislation, alleged to be founded on the notoriety of circumstances with the particular nature of which the House was uninformed? He, for one, professed to know nothing of the state of that part of the country to which the proposed legislative measures were intended to apply. He believed it to be very much disturbed, and would readily agree that something ought to be done; but, in his present state of ignorance on the subject, he could not judge what measures were best calculated to restore tranquillity, and he was sure that many other members were as little informed as himself. How could they, then, proceed to legislate, while they were thus in the dark? "But," said the ministers of his Royal Highness, "the case is urgent, and some remedy must be immediately applied." This did not appear. The meetings had been mostly discontinued. But allowing the case to be urgent, why did they not propose an act which should continue in force for three months, during which time a full inquiry might take place? Though the noble lord boasted of his majority on the address, and on the motion of Tuesday, as decisive against inquiry, still he (lord Folkestone) was persuaded that inquiry must take place. The country would never be satisfied till the statements which were abroad were ascertained to be true or false, or till further information was obtained. The right hon. member for Oxford had described the state of the disturbed districts as most lamentable, and in one part of his speech had made an observation which he was afraid too plainly indicated the sentiments by which the Manchester magistrates were actuated. He had said, he conceived that it was better that the blood shed at Manchester had been shed, than that the meeting of the 16th of August should have taken place, and should have been allowed quietly to disperse. Strange, indeed, must be the state of things, when such a sentiment was uttered in such a quarter. He did believe, however, that it was a sentiment on which the magistrates of Manchester acted. He did think he saw, from the papers before the House, an internal evidence, which went to prove that it was the object to produce the very result which attended the meeting of the 16th of August. The right hon. gentleman had asked, whether a few constables could have met the different columns as they marched into the field and have stopped their progress. He (lord Folkstone) saw nothing impossible in this. A proclamation, warning the people not to attend a meeting, had prevented one on the 9th, and he saw no reason why what had succeeded on the 9th should have been ineffectual on the 16th. That the meeting on the 16th was illegal, was a point maintained by the magistrates in their own defence; and if it was illegal, why did they not tell the people so, especially as they saw that they had attended to their previous warning? But he believed that it was not the object of the magistrates to prevent the meeting, but to produce the result which had ensued. They had seen a demagogue arrested at a public meeting in London, and they wished to imitate the vigorous example.

In the letter of Mr. Hay it was stated, that when they saw the different parties pouring in, the magistrates felt alarm, and received the depositions of several persons who swore that they conceived the town in danger. Did they take any steps on the first information? No, the time was not yet arrived: they did not conceive the insurrection begun till Mr. Hunt arrived. Their design, therefore, seemed evidently to take him at the risk of all the blood that might be shed on the occasion. In confirmation of this their intention, he might state what he had heard from a gentleman of undoubted credit—that it had been said at Buxton on the 14th of August, that Hunt and the other orators would be seized on the 16th, in the face of the meeting. Did not all this demand inquiry? And were we, without inquiry, to pull down the pillars of the constitution as would be done by this bill, and take away the right of guarding by public meetings our most precious privileges all over the kingdom, merely on the allegation of an unexamined local evil? He had already said that something ought to be done, but let the measure be of the same character as the evil—let it be limited to the disturbed districts, and, if made temporary, he would even agree to a measure of a stronger nature, if the House would pledge itself, after the retoration to a better state of things, to proceed into an examination of the causes of the existing evil. The House must perceive from the accounts of the various gentlemen who had spoken, that parts of the country were actually in a state of disorganization. Property, it was said, was at stake—loyal men were alarmed from coming forward—persons refused to be enrolled as special constables—and, strange to say! the existence of this state of things, nothing short of complete anarchy, was admitted by the very persons who, in the same breath, decided against the necessity of any inquiry by parliament. He doubted the truth of the representation, but at any rate it was a fit subject for inquiry. The bill, as it stood at present, was totally inapplicable to the required purpose. It comprehended equally in its penal regulations the innocent and the guilty; applied as much to the districts where the greatest tranquillity prevailed, as to those which were represented to be in the greatest disturbance; and was irreconcileable with the spirit and usages of the constitution. No alteration in a committee could remove his objections; he conceived it better at once to throw it out; and if the noble lord pleased, he could introduce one less objectionable in its principle, and more calculated to meet the particular evil.

Mr. *Peel*, in explanation, said, that however mistaken by the noble lord, he thought he had qualified his expressions respecting the meeting at Manchester sufficiently to guard himself from the suspicion of not feeling as deeply as any hon. gentleman could for the calamity of that day. The noble lord had certainly quoted his words correctly, but he appealed to the House, to believe, that though he had in words accompanied the observation with no qualification, yet it was far from his feeling to give utterance to any expression that bordered on inhumanity. He never under-rated the evil attendant on the dispersion of the Manchester meeting and the only reason why he thought it better than if it had taken another course, was that if that meeting had not been dispersed another would have taken place, and a collision might have ensued between the military and the people, in which much more blood would have been shed. He was anxious to state that such was his sense of the transaction, lest his expressions might be misrepresented.

Lord *Folkestone* said, that when he quoted the words of the right hon. gentleman, he by no means imputed to him any improper feeling. But he must be allowed to state, in answer to the right hon. gentleman's explanation, that as to the probability of a more mischievous result at Manchester from future meetings, in other places second and third meetings of a similar character had taken place, and no blood had been shed.

Mr. *Wilmot* said, that being fully sensible of the dangers which had given rise to the measures proposed, he considered those measures as calculated to preserve the liberties of the people, instead of infringing on them. There was, he said, a material distinction between liberty—a rational liberty—and licentiousness; for every physical good in the world, if carried to an extreme, would become an evil. The very air we breathe, the heat that fructifies the earth, the light from Heaven became noxious if unmodified; even our virtues might, by their excess, approximate to vice, nor is it otherwise with liberty. And when we now see her frantic

and infuriated, shall we, instead of restraining her, rather place a poignard in her hand to perpetrate her own destruction. The speech of the noble lord who had just sat down, he could not say was judicious. The noble lord had talked of the unwillingness of lord lieutenants, of sheriffs, of grand juries, and of magistrates, that meetings should be held. But, were the objects of such meetings as had recently been assembled legal. Did any man in the House venture to say that they were? With respect to the observations that the noble lord had made upon the meeting at Manchester, and upon which the right hon. gentleman had given so satisfactory an explanation, he would venture to say, that those observations were in some points not quite correct. The noble lord had said, that the magistrates might have prevented the meeting; and he contrasted their conduct on that occasion, with their conduct on the occasion of the projected meeting of the 9th of August, which meeting was illegally convened. The meeting of the 16th was legally convened, but became illegal; for it could not be pretended these were not illegal adjuncts, the banners, the order, the threatenings, to say nothing of the possibility of concealed arms. It certainly would not have been irrational if such a suspicion had been entertained. His conviction was, that the meeting was founded in treasonable designs, and that the magistrates must not only be acquitted of tyranny in the exercise of their discretion, but that there was not even a *prima facie* case of presumption that they had acted wrong. To put them upon their trial would be utterly unjust and unwise. The measures now proposed were not, he contended, an abolition, but only a limitation of right. The circumstances of the country called for a permanent system of legislation upon the subject. Did any body advocate the principle of those meetings? If such a man existed, it could only be in the person of the individual just returned from America who had dug up the unhallowed bones of the blasphemer, and had brought them to this country for the purpose of creating a phrenzied feeling in favour of his projects, and, like old John Zisca, who desired that his skin should be made into a drum to rouse his countrymen, he wished to stir up impiety and disaffection, by the exhibition of this mummery to the irritated population of this country. It might not be useless at the present crisis, to point out what were the tyrannical and oppressive opinions which this man Cobbett, once entertained; which were such as no one who sat in that House would venture to express. He would refer to an expression used by one of the greatest ornaments of that House and of the country—the late Mr. Burke—but which every man who looked with due feelings upon the poor must deprecate. That gentleman had applied to the lower orders the appellation of "the swinish multitude." But the person to whom he had just alluded had gone still further. The hon. member here read an extract from the writings of Cobbett, which not only applied the term "swinish multitude" to the lower orders of the poor, but expressed a hope, that the Gadarean devil would enter them, and drive them into the sea. To such a man it was that the common people lent a willing ear; one, who had no other object in view but his own aggrandizement. The hon. member said, he was satisfied that the existing evils resulted, in great measure, from causes beyond the power of the legislature to remove; and that the remission of any taxation which the gentlemen on the other side could suggest, or any change in the representation, would not remove any of the present distresses. The hon. baronet who represented the city of Westminster was the only person in the House who ever advocated the principle of universal suffrage as the panacea for all the evils of the state; but that honourable baronet had subsequently revoked, at least, he had not persevered in, his opinion. The ability which the hon. baronet had manifested in his various speeches on parliamentary reform, reminded him of the answer of Cicero to Marcus Crassus, when the latter asked Cicero, why, having formerly praised him he was now disposed to abuse him? "I did praise you," said Cicero, "to show my ingenuity in making a good speech upon so base and execrable a subject." The point now to be considered was not so much whether the bill was abstractedly favourable or not to the liberty of the subject, but whether the House, striking the balance between two evils, would adopt it as the less. He thought the present circumstances of the country were somewhat similar to those of the year 1797; for he found in the records of that day a passage peculiarly applicable to the present situation of affairs. The hon. mem-

ber then quoted the following passage from a speech made by Mr. Henry Fox in the year 1737: "When the tides of popular fury, Sir, begin to beat against the servants of the Crown, it has been so in all ages, that if they were not timely checked, they soon grew too strong for any barrier, either of law or duty, to oppose them, till in the end they bore down sovereign authority itself. The pillars of this House, Sir, were never shaken, nor was this constitution ever ruined but by the cowardice and treachery of those who ought to have been the protectors and guardians of both. While we were united among ourselves we had nothing to fear from what was acting or plotting abroad; but if we shall now betray irresolution and weakness, if we should neglect to inflict a wholesome severity while power is in our hands and justice on our side, have we not every thing to fear from those who will undoubtedly assume courage from our timidity, and grow insolent upon our lenity?"* He considered that he should be consulting the best interests of the country by voting for the bill. He was anxious to preserve that constitution which had long been the admiration of the world, and which had furnished all the liberties that America had to boast. That constitution ought to be preserved at the hazard of a temporary sacrifice; and, feeling that, he should most cordially give his vote for the second reading of the bill.

Lord *Milton* could not agree with the arguments which had been advanced in favour of the bill by his hon. friend, who appeared to him not to be sufficiently acquainted with the object which the bill had in view, when he said that its effect would not be the total uprooting of the most valuable privilege of Englishmen, the right of assembling to discuss their grievances, and of petitioning for redress. His hon. friend did not seem to be aware where the proceedings which were now in the train of receiving the sanction of the legislature would end.—The bill purported to have for its object the suppression of illegal meetings; but all meetings would be by it prevented, except such as it might please certain persons to assemble. His hon. friend, whose attachment to the constitution could not be doubted, was mistaken in his view of the effects of the measure, for even he himself could not, consistently with the provisions of the bill, attend a meeting at Derby; no, not even in the next parish to his residence. He would not have been tempted to address the House if he had not felt it requisite to make some observations upon what had been advanced by the right hon. gentleman on the second bench opposite, who had declared in a portentous speech, that in consequence of the increased manufactures in Lancashire, and in the adjoining counties, a new state of population and of society existed there, for which it was necessary that a new system of laws should be enacted relative to public meetings. But was it consistent on the part of the right hon. gentleman to declare, that it would be improper that the measure should have merely a local effect, and that it ought to be general in its operation throughout England? What! because a few counties in the North West parts of the country had acted incorrectly, were the inhabitants of the whole island to be deprived of their privileges? And in order to prevent the accumulations, or rather, the conglomerations of the populace in those districts, no populous meeting was to be tolerated elsewhere! Reference had been made by his hon. friend who had spoken last, to the proceedings of parliament, in 1737; but though parliament then enacted strong measures, they had been solely directed against the city of Edinburgh. Why was not that example followed on the present occasion? Again, when in the reign of Charles 2nd, a number [of persons assembled at Westminster, and several of the guards were killed, a bill was passed to limit the rights of assemblies there, but there had been no such universal measure as the present adopted. The people ought to be supported in their struggle through the difficulties which at present oppressed them rather than be overloaded with pains and penalties, when they came forward to point out the mode and the means which should be adopted in order to afford them the relief which they sought for. Parliament ought to imitate their ancestors, and try to overcome the existing evils by moderate measures, rather than lead to alienation by the enactment of pains and penalties.

Mr. *Philips* was unwilling to obtrude himself upon the House at that late hour, but he could not allow the question to

* See Parliamentary History, vol. 10, p. 304.

come to a vote without stating some reasons for the decision at which he arrived. It appeared to him that the conduct of the noble lord was wholly inconsistent with his professions The noble lord had urged all parties to unite with the government in its endeavours to put an end to the disturbances in the interior; but the moment an inclination was shown to coincide with ministers, if they would consent to make the measure in question local and temporary, he had seemed more than ever resolved that it should be general and permanent. He (Mr. Philips) begged the House to consider to what this country was indebted for the constitution of which it was so justly proud. Had it not grown out of the freedom of the press, which was now to be restricted; and out of public meetings and free discussion of public grievances, of which the people were now to be deprived? He knew that liberty, in order to be enjoyed properly, ought to be restrained; but liberty was not the private possession of a few persons, it was the possession of the inhabitants of a whole country. Some hon. gentlemen had talked of plots to burn the town of Manchester; if he had found that he was mistaken in any thing he had advanced on a former night, he would willingly have acknowledged his error; but after all his opportunities of correct investigation, he was most decidedly of opinion that no such attack was ever meditated, and that the whole project originated in the invention of spies and informers. He frankly allowed that the manufacturing districts were in a state requiring vigilance and attention, and that the most active instigators were not always the most severely distressed. But there was one material consideration of which the House ought not to lose sight, and that was, that the people in the manufacturing districts had been suddenly reduced from high to low wages; so that, in addition to their real sufferings, they had to endure the evil of the contrast between an increase of taxation, and a diminution of emolument. Upon the subject of manufacturers not being in the commission of the peace, he wished to make a remark or two, addressed principally to the chancellor of the duchy of Lancaster. That right hon. gentleman had said that an inconvenience had once arisen from making a manufacturer a magistrate, and that the practice was accordingly discontinued; the magistrate referred to, it was stated, had misapplied his power, for the advancement of his own interests. This was true, but it was not for the advancement of his own interests as a manufacturer, but as an owner of land, which he had sold to greater profit. The case alluded to therefore formed no solid objection to the appointment of manufacturers to be magistrates; and the House would recollect that that class of individuals possessed the greatest share of property. If they were not included among the persons eligible, the choice must be limited to a few individuals; and among them the clergy, who, it was obvious, ought not to be brought forward on occasions like that which had chiefly caused the debates on which parliament was now engaged.

Lord *Castlereagh* declared that, after the full discussion which this important subject had undergone, and after the frequent occasions on which he had troubled the House, nothing but a strong sense of duty would have induced him again to come forward for the purpose of making a few remarks on what had fallen from the hon. member who had just taken his seat. He should confine his observations strictly to one or two points, and he would not have spoken at all could he with candour and fairness have suffered the House to separate without stating unreservedly the impression on his mind. As to the principle of the bill, he begged the House to consider the true and narrow issue on which the vote of to-night depended. Every hon. member must give his support to the second reading who did not think the measure totally incapable of being so altered and modified in the committee as to make it suit his particular views; so that every gentleman not disputing the principle, and who thought that something ought to be done in the present state of the country on the question now before the House, would give his vote in favour of the objects ministers had in view. Thus nobody would be pledged as to the details, which could be modified as the House in a future stage might deem expedient. The point to which he wished to advert, and which, indeed, had induced him to rise, related to the appeal made to ministers to assent to two propositions—the one for making the bill local, and the other for rendering it temporary. On these terms some hon. gentlemen had expressed a willingness to conciliate, and had in-

vited ministers to join in that conciliation. He could assure the House, that though much had been said in the course of the debate, which was very little in the spirit of conciliation, and although ministers had been charged with being nothing less than the authors of the existing distresses (so that he had been induced to express a determination to meet the difficulties of the times without the concurrence of the other side), yet nothing that had passed could have prevented him from accepting the invitation, could he have been satisfied that such an acceptance would be consistent with the public interest and national security. First, as to rendering the measure local, he would remind the House, that as far as the wisdom of parliament had been collected, it had not been the practice to pursue the same line of policy with regard to Great Britain, as had been adopted towards Ireland: the judgment of the legislature was, therefore, in opposition to the proposal. Referring back to the year 1796, it would be found that the disturbances of that period had grown out of one meeting (that at Copenhagen-house), and the measures to meet the evil were framed accordingly. In 1801, though popular assemblies in the country had been more prevalent, yet they took their origin in the same way from one source; and in 1817, when a system of meetings was established, it had been founded upon a single portentous convention in Spa-fields. Still parliament did not confine itself to acts merely local; and there was therefore no precedent for such a mode of treating the question. Now as to the reason of the case, and the question what it was prudent to do in matters of such importance, he must say, that though on a former occasion he had been excessively anxious to congratulate the House on the tranquil state of Ireland, and of the agricultural counties, yet on the other hand, it would be acting on a principle of more confidence than wisdom, if in all cases it were to be said that this visible tranquillity was a proof of real quiet, and that the district would not be visited by calamities which raged in other situations. He entreated hon. gentlemen to recollect what was the apparent situation of much of the disturbed district. When parliament last separated, the general surface of the country was tranquil; at least there prevailed a visible tranquillity; but very shortly after another temper was manifest. Appearances, under such circumstances, were not to be trusted to, and the contagion spread too fast to suffer them to rest in security. As to the West Riding of Yorkshire, the letter of lord Fitzwilliam was evidence that the noble lord did not consider that the public peace was there in any degree menaced at the time that he wrote to government. But what was the fact? Lord Fitzwilliam had scarcely reached Lymington, to which he retired, when the meeting took place on Hunslet-moor; and that single occurrence had such an effect upon the whole of the West Riding, that there was not a single town within its limits that did not afterwards witness a scene of the same radical and tumultuary description. Was parliament then to circumscribe its remediable measures, and limit them to stop an evil which was so likely to outstrip any bounds? He put it to the noble lord opposite what had been the effect of one or two of those numerous meetings in the part of the kingdom with which he was particularly connected—of those meetings that carried such terror into the minds of the loyal and well-disposed in the west of Scotland. Had such a measure as now was offered to parliament been in existence, would his noble relation have been placed in the difficult situation he had experienced; or would any persons have refused to put their names to the declaration that had been drawn up? Could not the noble lord, with his influence and property, have raised armaments for the preservation of the peace of the country (which he afterwards found impossible) but for that one meeting in particular which had struck more terror into the minds of the good, and disseminated more discontent among those easily corrupted, than any subsequent steps could efface? The law must be efficient to cope with the extent of the mischief, and not nugatory as a subsequent application. What had happened in Yorkshire was repeated near Newcastle. Immediately previous to one of the most malignant meetings near Newcastle, at which not less than 700 armed men were present to resist the civil power, ministers received the most positive assurances from gentlemen of the county, that they could safely answer for the good disposition of the people. The result of that single meeting was, that terror was spread in every quarter, and all efforts to arm the loyal in defence of the laws and constitution were abandoned as unavailing: such was the dismay, that those who had previously

given in their names for enrolment, could not afterwards be induced to come forward. Was the House, then, with such facts before it, prepared to try an experiment—to let its measures halt tamely behind the mischief, and not arrive until the greater part had been completed? Admitting that the agricultural districts were at present in complete security, was it to be denied that into many of them manufactories extensively intruded? Besides, agriculture was not altogether exempt from distress: if it did not now feel it, it might do so at some future period; and distresses in other parts of the kingdom might extend their baneful influence into those at present free from infection. Look, then, what would be the consequence of making the measure local? In the first place, it could not be carried into operation until after a tedious and dangerous process which the law would render necessary, were the measure to have a limited operation, and to be extended, as in the case of Ireland, on the requisition of the magistrates. The case must first establish itself—the magistrates would next have to communicate with the government—its answer must then be received, and farther time must be allowed before the remedy could get into operation. In the interval, how many radical meetings might be held, and how much alarm spread throughout the surrounding country? He farther submitted, that this was precisely the description of evil which the legislature ought to deal with on the general principle, without leaving it to the local magistrates. The practice of parliament at former periods confirmed this opinion: the nature of the evil had always guided its judgment, and of course the general tendency of the prevailing corruption was to extend itself into other districts, and that silently and darkly, until it was prepared to work its full effect. In his view, therefore, facts, reason, and policy, all united to induce the House to pass a general, and not a local measure. With regard to the second point, whether the bill ought or ought not to be permanent, he had stated his view on a former night, that, fairly considered, the measure ought not to be regarded as an invasion of the rights of the subject. No embarrassment was thrown in the way of the exercise of the undoubted right of the people to petition the Crown or either House of parliament, and a great portion of the policy of making the measure permanent arose out of the peculiar character of the meetings? It was quite clear that nothing could place the subject in a more disadvantageous position, with respect to the right of petitioning, than not knowing distinctly how he might exercise that right without being exposed to the visitation of the law; it was also obvious that nothing could be more important to the best interests of the country than to relieve magistrates from such a difficult situation as those of Manchester had been placed in on the 16th of August. Could any discretion be more delicate for magistrates, than for them to be called upon to decide what circumstances attending a meeting gave it that character of illegality which justified them as a matter of duty and prudence in dispersing the meeting? He was prepared to maintain, that the bill did not at all affect the right of petitioning, excepting that it afforded the subject the advantage of a clear and indubitable rule by which he might exercise it. Would the House wish that the state of things which existed in Yorkshire should be extended to other situations? If so, this bill might be rejected; but was it not most lamentable, when magistrates were obliged to submit to the terror of such meetings as had been there held, because they considered it a less evil than risking an endeavour to disperse them? Was it not most lamentable to see lord Fitzwilliam, a man of such undoubted character and loyalty, rejoicing at the close of the Hunslet-moor meeting, that it had been attended with no worse consequences? A collection of 30,000 persons were there assembled, and the most unqualified treason was the subject of discussion; yet lord Fitzwilliam wrote to government, stating his great satisfaction that the meeting had dispersed quietly. Such was the state of the country. Was there any object more likely to be of advantage to the subject who meant *bona fide* to exercise his just rights, than to show him how he could exercise them without the possibility of being interrupted? The principle of the measure was no more than this—that where a meeting was not thought proper by the constituted authorities, it must be held within certain limits, to afford security against the danger of numbers; and it was rather singular, that in this country, down to a very late period, the only meetings known were those called by the constituted authorities. A noble lord had hinted his suspicions, that if the assembling of a meeting depended

on the magistrates, they might be packed by the government: but he (lord Castlereagh) put it to the good sense of any man, whether, supposing the sheriff refused to call a meeting, five gentlemen out of the whole magistracy of a county could not be found to assemble the people? An hon. gentleman had objected to the conduct of the lord-lieutenant of the county of Norfolk, and the manner in which the complaint was made was certainly somewhat objectionable: if, however, such exclusion had taken place, and had been remedied in the manner specified, did not the fact furnish conclusive evidence that there was an appeal, and that that appeal would not be made in vain? Returning, however, to the disturbances, he begged to ask, whether any hon. gentleman really thought that the mischief had taken little root, or that persons at the head of it were likely to be diverted, or converted by such a measure as the noble lord had hinted at, for two, three, or six months? In his conscience, he believed, that if parliament were to do that, it would be far wiser that it should have attempted nothing. The remedy must be applicable to the evil; and as the evil was of a permanent nature, so must be the remedy. Would not the designing and disaffected watch the moment when the restriction should be removed, and renew all the miseries they had now created? By giving permanency to the measure, it was not put out of the power of parliament at any future period to repeal or modify it. He was the more earnest upon the subject, because he could not conscientiously persuade himself, that there was any thing in the bill that was inconsistent with the true liberty of the subject. On the contrary, he believed that it was the best safeguard of the constitution, and that it would secure Englishmen in the exercise of a valuable right, in the manner most compatible with their own and their country's interests. Sure he was that parliament would be disposed to give the measure that degree of permanency which would enable it to cope with the danger: if temporary, it would not only be futile in itself, but would hold out to the leaders of treason and rebellion a motive to manage their dependents and husband their force until when the bill expired it would be too strong to be resisted. He had thought himself bound in candour to offer these remarks, in order to show that ministers had not altered the view which they originally took of the question.

Lord *Folkestone* explained, that when he spoke of a bill for two, three, or six months, he meant it only to last until the inquiry had been concluded; and then he should be disposed, if a case were made out, to intrust ministers even with a stronger measure.

Mr. *Beaumont* expressed his unwillingness to intrude upon the House, but he was desirous of correcting an observation made by the noble lord. The noble lord had stated, on the authority of the mayor of Newcastle, that 700 armed men marched to the meeting from a neighbouring village. The fact however was, that having used every endeavour on the spot, to obtain evidence; he could not find a single person who could state that he had seen any arms upon that occasion. He did not state this as a matter of triumph to any party, and he meant to vote that the bill should be committed; but before he gave his final sanction to any measure, he must have full assurance that it was calculated to remove the evil. He trusted that as the whole of the country did not appear to be in a disturbed state, the bill would be made limited in its operation. He was perfectly willing to admit that the abominable doctrines which had of late been circulated with so much assiduity, were calculated to plunge the people into every mischievous excess, and were subversive of every thing valuable in the country; but he was persuaded that the evil did not proceed altogether from the restlessness of the people, but was principally attributable to the great distress which existed. Whether or not that distress proceeded from misrule he was not prepared to say.

Mr. *John Smith* said, he could not agree to the bill as it at present stood, but if the noble lord, and the gentlemen who supported him, would consent that the measure should not be permanent, he would not oppose it. If it were passed for three, or even for four years, it should, with the exception of one or two clauses, receive his support. But, unless ministers could show that the causes which called for it were of a permanent nature, how could that House be justified in legislating permanently? During the last twenty years, he had observed a great deal of commercial distress; and he had uniformly remarked, that in proportion to the existing distress was the political dissatisfaction expressed by the people. The existing distress he knew to be most extensive and

severe. On this subject he had received information from a gentleman whom he would not name, but who was well known to many of the individuals who heard him, and whose brother had been a distinguished ornament of that House. In a letter which that gentleman had written to him, he said, "The cause of the whole of our distresses in Scotland may be stated in two words,—*empty stomachs!*" The hon. member said, he believed that the want of employment, and the consequent want of bread, in various parts of the country, created that distress, which had ultimately produced acts of insubordination. If those causes could be removed by this measure, he would agree to it; but he would not consent to a permanent bill of this kind, unless its beneficial effects were demonstrated, and the strongest necessity shown for its adoption. He regretted most sincerely, that when laws were framing for the coercion of the people, no attempt was, on the other hand, made to improve their condition. Something of the latter kind must speedily be done; and a measure of the sort under consideration would appear with a better grace, if accompanied by some measure of relief. He should have been very glad to support government on the present occasion; but he could not agree to a bill, which was to deprive the people of their rights for ever.

Mr. *Brougham* rose amidst cries of question from the ministerial side of the House, and calls equally loud from the opposition benches for him to proceed. He said he did not mean to trouble the House at any great length on account of the indisposition under which he laboured; but, at the same time, he could not pass over the speech of the noble lord opposite, without pressing on their attention the important points which it contained. It now appeared, in the appropriate language of the hon. member for Northumberland, and of an hon. gentleman who had recently sat down, what sort of conciliation they were to expect from the noble lord. They now knew what value to put upon his declaration, when he said, that if gentlemen on his (Mr. Brougham's) side of the House showed a disposition to meet him half way, he would endeavour to render that meeting joyful by approaching them. But now it appeared that he would not give them the slightest token of conciliation. His conciliatory nature would only concede to the country and the constitution those points which he stated when he originally submitted his measures to the House. He would not impose a censorship on the press; he would not make it punishable with death to attend at a meeting in a neighbourhood to which an individual did not belong, and where a spy might be ready to give information of the circumstance; nor would he destroy the liberty of the press! These were his concessions—these were all the favours which the country were to expect from him! The noble lord in the first instance took advantage of the precedent of former times, which he contended was with him; but when he found that it did not answer his purpose with reference to existing circumstances, he immediately flung his precedent overboard, and relied on his general argument. He considered this measure to be no abridgment of the constitution, to be founded on legal and constitutional views, to be consistent with the principles of liberty, and to afford the best security for the rights of the subject properly understood. On these points he was at issue with the noble lord, and the hon. member for the university of Oxford: he denied the correctness of the argument, and the whole of the grounds on which it rested; and if the House would permit him, he would point out the reasons on which he founded his opinions.

The abuse of the right of petition by persons assembled in public meeting was the foundation of this measure. That right, he had observed, was never so highly prized as when it was about to be destroyed; and he always listened with prophetic terror to the praises so sweetly sounded on its worth and value: for, from experience, he could say, that when it was to be suspended for a time, and not as now, to be destroyed for ever, those praises were always the forerunner of that event—as they were now, the prelude of the eternal abrogation of the people's rights. Those rights, it seemed, were brought into disrepute—a sort of stigma was cast on them by certain foolish and wicked practices, which had been adopted at public meetings. He did not wish to deprive the noble lord of the benefit of this one fact; he did not wish to misrepresent or to mistake it; for he himself did, to a certain degree, concur in the propriety of that sentiment. As a firm friend to the right of petitioning, which he would praise, not for the purpose of overthrowing, but for the purpose of protecting, defending, and continuing in its purity,

he, too, deeply lamented the proceedings which had been alluded to. He was not less aware of the folly and wickedness of some of the speeches delivered at those meetings than the noble lord was; but he could not, on that account, acquiesce in a total subversion of a great popular right. He feared, indeed, that the too frequent use of that right had an evil tendency, by making the people extremely careless and indifferent about its exercise on great public occasions. It was known to all persons who were in the habit of attending public meetings, that where in one instance great numbers, appeared and active and animated discussion took place, it was found difficult for some time after to procure another meeting at which equal zeal would be manifested. He also disapproved of the system on which those recent meetings were conducted. He broadly disapproved of the array in which men were marched from place to place. It pointed to any thing rather than to the beginning of a deliberative assembly. He also objected to the large amount of numbers which were collected on these occasions. If 60 or 70,000 persons must meet, if the population of a place allowed such a mass to assemble together, it must always be attended with danger, and therefore he disapproved of it. With respect to the display of banners and the introduction of music, he did not see the danger which many persons apprehended. Some of the inscriptions, he admitted, were reprehensible, and therefore ought to be discouraged. But as to the use of common flags—even those inscribed with "liberty or death," of which so much had been said, and which differed essentially from "equal representation or death"—and the introduction of music, he never saw them otherwise than the concomitants, if not the promoters, of mirth and good humour among the multitude.

Having admitted thus much, he thought it would be much better for the people if those abuses were not practised—if those irregularities, without utterly destroying this right could be prevented or checked. He could not, however, agree with the noble lord and the right hon. member for the university of Ox-Oxford, that because at one meeting a violent speech was made, and at another a violent resolution was proposed; and still less could he admit, that because an individual made use of language and disseminated sentiments at one time which were repugnant with those published by him at another; that, therefore, all public assemblies, all meetings of the people, were to be put down for ever. The hon. and learned gentleman then read to the House the resolutions which were passed at Hunslet Moor: one of them declared that saving banks were a fraud, instituted to pay the fractions of dividends: and another described the national debt to amount to 100,000,000,000*l.*; but was it to be gravely told to them in that House, because resolutions most absurd and ridiculous, and on the part of those who proposed them, most mischievously designed, were submitted to certain assemblies, that, therefore, the people should in future hold no meetings at all? Did not the House know that good resolutions had often been passed at popular meetings—resolutions from which that House, in times of peril and exigence, had derived the greatest benefit, and would again, if the people were fairly treated, and the occasion called for it? He was afraid that there were places of high character (he would not mention one which he had at that moment in his eye), which if this strict rule of justice, by which the right of meeting was suppressed for ever, were to be adopted, would not be exempted from its operation. He knew a place where resolutions had been agreed to, and by a great majority, which were as inconsistent with arithmetic as those which the hon. member had quoted—resolutions as absurd as those agreed to at different public meetings, although not so steadily persevered in; he recollected a resolution which declared that a pound note was actually equal in estimation with 20 shillings; this was agreed to in one week, and three weeks after, the same assembly passed a law, making it highly penal to give less than 20 shillings for a pound note. A few years after, however, he found the parties who agreed to that measure, coming back to the standard of common sense, and negativing the principle contained in the original resolution [Hear and laughter]. Good God! then how far must they go if the passing resolutions containing absurdities in arithmetic, or errors with respect to constitutional rights, were to be deemed a sufficient cause to destroy all popular assemblies? In the place to which he was alluding, they were one day voting, that two and two made five; and the next day bringing

back the amount of these two figures to its natural value. He was going to say that these contradictory resolutions were unblushingly, but he would assert unwittingly and unthinkingly passed by large majorities: he was however told, that these mischief-makers (for so some of them were) did not submit their resolutions to the people in the form in which they afterwards appeared. Lord Fitzwilliam, it seemed could not get those passed in Yorkshire immediately after the meeting had taken place, because they were not dressed up for appearance before the people. How did this fact tell for the purpose of the argument? The resolutions which were now in the hands of members, were those which had been dressed up, and *non constat*, that they were the resolutions of 20,000 persons who were asserted to have agreed to them. They were in fact the resolutions of those who dressed them up, and who doubtless, did so in order to give them a greater sting. This was an argument against the bill. The reason assigned for introducing the bill was, that a vast body of persons assembled at Hunslet Moor, and agreed to a series of resolutions which rendered it dangerous for them to meet; and it now appeared that the resolutions exhibited were only the work of a few demagogues.

Training and military exercise, except for an innocent purpose (and that purpose he conceived it was incumbent in the person accused to prove) was, by the existing law, a high misdemeanor, and when coupled with a conspiracy against the state, assumed a highly penal character. But, without that circumstance of aggravation, the simple fact of 500 or 600 persons training, not innocently, was a misdemeanor, and if they trained at night, with any sort of offensive weapon, it undoubtedly became a misdemeanor of a very serious character. If the law were defective, with respect to that offence, let it, by all means, be rectified. To so fair a proposition he could not object. But, he asked how could that training be connected with another bill, not against that offence, but introduced to prevent the people from discussing any point that affected their interests either in church or state? He was very far, indeed, from thinking that there was no ground for alarm; for seven or eight months his opinion had been, that there was ground for apprehension. In the districts which were disturbed, great distress it was admitted did prevail; and that that distress had given rise to acts of an extremely reprehensible nature, all must allow. But he would entreat gentlemen to pause before they assumed, that those acts were as large and general in extent, even in what were denominated the disturbed counties, as the evidence garbled, and anonymous as it was, asserted. He was well persuaded that it was an arduous task to undeceive those who fancied they were threatened with a great danger! but it was much better that he should discharge his painful duty at present, rather than move an adjournment of the debate: although, after the uncompromising statement of the noble lord, some gentlemen might think that necessary. He knew that although in private life the man who allayed alarm, was hailed as a consoler, it was not so with the man who endeavoured to open the eyes of the public to their safety, and who was generally considered not a comforter but an enemy. He should walk charily, therefore, in that path. But he could not forget several instances, in which great public alarm had been proved to be wholly unfounded; and he especially referred to the alarm in the year 1812. The report of the other House of parliament in 1812, on which the legislative measures then adopted were principally founded, among other terrific statements to show the altered character of Englishmen, gave an account of the murder of Mr. Horsfall, accompanied by the circumstance that, after having been fired at by four men from behind the wall, he fell from his horse, when he was immediately surrounded by a ferocious multitude, who hailed the event with savage exultation. This statement was made on the authority of A. B., C. D., E. F., and other couples of the alphabet, backed by the declaration of the most respectable magistrates, men of unimpeachable credit, and who, he was persuaded, believed all, because they thought that they knew all. It had its effect on the House of Lords as it had previously had on his majesty's ministers. The committee of the House of Lords were not allowed to examine persons. He did not say that that committee was packed, although the members of it were nominated by ministers; but the bag of evidence submitted to them was packed. Let the bag be packed, and let the examination of witnesses be prohibited, and

whoever might be the members of a committee, the result of their investigation must necessarily be the same. For seven months the alarming fact thus stated in the report of the committee of the House of Lords was believed, and every man who doubted it was treated with the utmost contempt. Away went parliament to work on legislative measures. In the fulness of time, however, the truth came out. At the special commission in York, seven months after the report, it was made evident, that so far from the body of Mr. Horsfall having been surrounded by a ferocious multitude, hailing his murder with exultation, it was with great difficulty that a single man was found to assist in carrying it to a neighbouring apothecary's! He did not doubt that something like the case existed at present. Undoubtedly he did not mean to deny all the statements that had been made of the causes for alarm, but he was persuaded that they were grossly exaggerated; and he owned that he felt some solace in not thinking so badly of his countrymen as did some other persons whom he could name. The hon. member for Northumberland had contradicted the statement of the 700 men said so have marched with arms into Newcastle from a village three miles off. The fact was, that the mayor of Newcastle, for whom he (Mr. Brougham) had a great respect, merely said in his letter, "if my information be correct," &c. A circumstance that convinced him of the inaccuracy of the statement was, that to his knowledge there was not a village within six or seven miles of Newcastle that could turn out 700 men capable of bearing arms.

It was asked how could lord Fitzwilliam suppose that there was no danger, (and this, by the way, was thought one of the finest arguments "ad hominem,") when it was known that at one of these meetings the partition of his property was pointed at? Now, to tell one half the truth, was just as useless as if an individual joined to it one half of another story. What would the inference be, if it appeared that it was Mitchell who made this proposition? [Hear, hear]. Yes; Mitchell, whose name was never mentioned when the circumstance was stated. If he, and he alone, made that proposition, and if it was the only suggestion of the kind that was ever offered at any of these Yorkshire meetings. What was the argument good for? What did it really prove?

He should now mention another misrepresentation—a misrepresentation that came from that part of the public press which, day by day, insulted the distresses of the people; which treated them with contumelious indignity, with unbearable insolence, which poured on them all the abuse that the malignity of man could devise, and in doing so, displayed all the asperity of office, without its dignity. These censures came from individuals, who were much lower than those to whom they applied them; because low birth seeking to exalt itself by cringing to those in power, was infinitely more mean and despicable than low birth when coupled with honest industry. These low panders of the government of the day—these backbiters of the people—these offenders against all decency, when they spoke of the great body of the nation, disseminated the grossest misrepresentations. To them the dismissal of lord Fitzwilliam was confidentially made known, and the event appeared in one of those channels of spurious intelligence, (unfortunately not spurious on that occasion) before the act which was praised as a vigorous and wise proceeding was known to the noble lord himself. They had, without the shadow of foundation, brought earl Fitzwilliam and the people in perilous contact; by them the public were told, and confidently told, that acts approaching to treason took place at the meeting at Hunslet-moor; that arms were brought thither, that resolutions encouraging resistance were proposed and adopted, and then it was gravely stated, that some of those who attended the meeting waited on lord Fitzwilliam, and shot him dead on the spot! [Hear, hear!] He stated this to show that a system of misrepresentation was not confined to one part of the press, but was extensively adopted by another which was not only allowed to go unpunished, as blasphemous and seditious persons had been for some time, but actually enjoyed the special protection of his majesty's government. The evidence of lord Fitzwilliam was not believed with respect to the state of the country: it would be well for the House to consider on whom his majesty's ministers depended for information. Of the evidence given by A, B, C, D, and other nameless authorities, he would only say this—that a very different account was given in those affidavits in which initials were used, from that which

was stated in those where the letters of the alphabet were regularly arranged in names. With respect to the training, when they had the evidence of Mr. Martin or Mr. Johnson, or other tangible persons, it was stated that it took place at half-past five or six o'clock in the morning; but proceed to the spies, look to the evidence of the informers whose names are kept in the back ground, and they would tell them that the training took place under the cloud of night. The former spoke of 200 or 300 men meeting for the purposes of training; but it was beneath the dignity of A, B, and C, to descend to a number less than 2,000 or 3,000, or 700 at the very lowest who were described as exercising in the most perfect military order. The individuals who signed their names to the affidavits declared, that there was shouting, and something like military array. But A, B, and C, gave them the most minute particulars. They stated that they used clapping of hands as a substitute for firing —a circumstance that was very inconsistent with the statement of the noble lord, who said that they were "only" to be armed with pikes. These were the persons whose statements were received in preference to the rational, sagacious, and manly testimony of a long tried and most respectable nobleman of the purest character and the most unsullied honour. He would state a fact which was not to be found in those papers—a fact which, if the gentleman to whom it related had been examined before the House or in a committee must have come out in the very first question put to him. A worthy magistrate who had given evidence, was, it appeared, discharged from prison by taking the benefit of an insolvent act; and after being so discharged, two actions were brought against him for assuming the functions of a magistrate without a proper qualification. The certificate of his release was produced, which he could not have obtained without making over his property to his creditors, and consequently he could not have been in possession of an income of 100*l.* a-year. God forbid that he should insult any man on account of his misfortunes, but when a magistrate went into prison to avoid his creditors, when he there acted as magistrate to discharge others who were in prison for debt, when he himself took the benefit of an insolvent act—when he afterwards resumed his seat on the bench, and being found out, was prosecuted, and had a penalty awarded against him for acting improperly, he could not help thinking, that such a man was not the sort of person whose evidence should be taken as conclusive testimony on so important an occasion.

Now, though he thought some ground for present alarm existed, yet he considered these, amongst other reasons with which he would not trouble the House, as sufficient to show, that the alarm was carried to too great an extent. The question was, did such a degree of danger exist as required any new measure; and if so, was the bill now before the House the proper measure? He denied both these propositions. The noble lord argued, that this was a constitutional measure — that liberty, rightly understood, was not touched by it; that public meetings would not be destroyed, but purified by its operation. Yes, purified in the same way that fire acted, by the destruction of that with which it came in contact. He would show the noble lord this by pointing out to him the only way in which, after the bill had passed, meetings could be called. A county meeting might be convened by the high-sheriff, but the noble lord must allow him to say, from what he had seen during the last few months, that the high-sheriff would not be likely to call a meeting that would displease the ministers of the Crown, by whom he was selected. He would give the noble lords facts. There had been five refusals in the course of two months. Essex, Hampshire, Cornwall, Wiltshire, and Berkshire, were anxious to have meetings, but were refused: and how were the applications overruled? Certainly more openly and less decorously than on any former occasion, and the same system would be adopted whenever the same case occurred. Let the House look to Hampshire, where the sheriff refused to convene a meeting [Cries of No, no! from the ministerial benches]. He was misinformed; but he now understood that the requisition was withdrawn. [Cries of Hear! from both sides]. But let the House mark how this made for his argument; let them consider the means used to prevent the success of the application. The means were likely to be so effectual in preventing an acquiescence to the requisition, that the persons who proposed it thought it would be most prudent to give it up. The protest against the meet-

ing was signed by the lord-lieutenant of the county, and by many other individuals connected with government—amongst the rest the noble secretary at war (lord Palmerston) signed it; a cabinet minister added the sanction of his name to it, and to make the argument still stronger, that minister was the duke of Wellington. With all respect for the abilities of that great captain, with all the gratitude he owed him as one of the millions whom he had been the great instrument, in the hand of Providence, of saving from a cruel tyranny, a foreign tyranny, he could not help wishing that he had made the debt still greater by showing himself a friend to the liberties of his country at home, by refusing to sign that protest. He trusted if ever the day should come when, in a struggle for liberty, he might be called on to act, that he would be found to do his duty to the people as well as to the sovereign; and that he would recollect, that on the love of the people, and on the love of the people alone, the safety and security of the throne depended. Let him bear in mind—let him never lose sight of the fact—that a military minister never, in this country, from the time of the duke of Marlborough downwards, could retain his popularity, however great, however just, in opposition to the voice of his countrymen, who loved to be ruled by civil and patriotic characters [Loud cheers]. Such was the nature of Englishmen, and he trusted that such it would continue.

He begged the attention of the House to another part of the bill. It was to that which related to parochial meetings; and this was one among the many grounds which would make him object to going into the committee on the bill. In this part, the noble lord left untouched the evil he proposed to remedy; and by this part would effect what certainly he did not mean. The object was, to regulate meetings in parishes; but it did so happen that there were several small parishes in the agricultural districts, and in old commercial towns, where there could possibly be no danger from the inhabitants coming together—in places where the people were loyal, and not even suspected by the noble lord and his colleagues. To those parishes would this bill most strictly apply, and upon them would it press with the greatest severity; whilst in large and populous manufacturing parishes, where the greatest danger was said to exist, that danger would be absolutely without a remedy, as far as this bill went. In York, the inhabitants of which were not suspected of disloyalty, there were 30 or 31 parishes with a population of only about 9,000 persons for the whole. In Exeter a population of 10,000 persons was divided between 24 parishes.

The *Solicitor General* here observed, that in such cases the whole body could meet.

Mr. *Brougham* continued—Then the meeting could not take place without the consent of the mayor. He had thought his hon. and learned friend was better acquainted with his own bill. But his hon. and learned friend had better not have touched upon this part of the question in the course of his speech. But to return to the point to which he was calling the attention of the House. Those small parishes would feel the pressure of this bill, whilst in the larger ones, it could easily be evaded, or would in effect not operate at all so as to guard against danger. The bill supposed that the meetings were only assembled under pretence of discussing matters connected with church or state; but nothing was more easy for them than to say, "We'll have no such discussion at all; we have been tired with long speeches," [Cheers from several parts of the House.] He said that gentlemen might be tired of long speeches: he felt so too; but he could assure them, that in this instance his was the speech of a person who conceived he was performing a serious and important duty. But, if gentlemen did not wish to hear more speaking, they had a remedy in their power. They might act upon their profession, and retire to their homes, and he was certain they (the opposition) would not be much the worse for it. [Hear, and a laugh.] But, to return—the persons assembled might say, that they were tired of long speeches, and of the nonsense contained in them: and give up discussing political questions altogether. They might, if their intentions were so bad as the noble lord supposed them to be—and it was only on the supposition of bad intentions that this bill was necessary—they might, as was done in another country, assemble for the purpose of attending a funeral, or for a literary purpose, and discuss the dead languages, or to discuss a question of grammar; and it might be recollected, that one amongst them had written a grammar, so good indeed as to be in high

estimation on several parts of the continent. They might, for any of those purposes, assemble in large numbers; and yet, there was not one clause within the four corners of this bill that could apply to them, or prevent their so assembling. They might go from one parish to another, or assemble for the purpose of going to church, or for a number of other purposes to which the bill did not allude, to the great terror of his majesty's liege subjects; and yet, provided they had not caps of liberty, or banners, or flags, or music, this bill could not prevent them. Now, either there were seditious orators going about the country disseminating their opinions, and large congregations ready to listen to them, or there were not. If there were not, the bill could not be at all necessary; but if it was believed that there were—if, after all the conflicting and contradictory statements that had been given, it was believed that such disturbance existed, as to call for severe measures—if, under any circumstances, the ministers must have a law, he would say to them, "Take one which shall apply a remedy to the evil, and not indiscriminately punish the innocent with the guilty." He gave it as his serious opinion, that it would be much better that all meetings should be put down for a time in certain districts, than that the constitution should be thus permanently violated. He implored the House to reflect before they passed a measure of which they might repent before the end of three months. He would appeal to those hon. gentlemen, if no higher feeling could influence them; he would appeal to those gentlemen who had either been abroad, or mixed with foreigners in this country, and who were on all occasions proud (too proud indeed in the opinion of those foreigners) of the boasted pre-eminence which this country held above all others in the freedom of its institutions—he would entreat them to pause before they allowed it to be said by foreigners, that the English at last had got tired of their liberty, that they had become too manufacturing a country to bear their former freedom. This, indeed, seemed to be the opinion of the member for the university of Oxford, and to him (Mr. B.), it was a new doctrine, that as a nation we had become too manufacturing to be free. Let it not be said in the nineteenth century, after all our boasted exertions, that we had become so manufacturing a country as to have lost our wonted love of freedom. Let not the sarcasm of our great enemy—that we were but a nation of shop-keepers, appear to be realized by allowing it to be said, that in consequence of the extent of our commercial dealings, we had been compelled to part with our liberty. He sincerely trusted that this honest appeal of one who spoke as he felt would not be made in vain, but would have at least the effect of inducing some members to pause and consider before they acted on this important occasion. The hon. and learned member, evidently labouring under a considerable degree of exhaustion, sat down amidst loud and continued cheers.

Lord *Palmerston* trusted that the House would indulge him in a few observations, after the allusion which the hon. and learned gentleman had made to his conduct on a recent occasion. He had yet to learn, that because a man held an official situation, he was thereby disqualified from giving any opinion upon, or taking any part in, questions of public interest. He had pursued and would pursue, without consulting the hon. and learned gentleman, or caring whether it met his applause or disapprobation, that line of conduct which appeared to himself to be the most proper. He, and those who had acted with him on the occasion alluded to, (in signing the counter requisition in Hampshire), had acted from a well-understood sense of duty, and in doing so, had consulted the best interests of the country; and he was sorry that others had not followed a similar course. Whatever the learned gentleman might think or say of the conduct of an illustrious individual, that opinion would not lessen the debt of gratitude which his country owed him; and he would be bold to say, that the respect of that illustrious individual for the constitution of his country was not less than that of the learned gentleman himself. If one person had a right to call on the sheriff of a county for a meeting, he could see no reason why another had not a right to sign a requisition against it. By the conduct of those who had signed the counter-requisition in Hampshire, that county had been saved from the disgrace of those unwarrantable and unconstitutional attacks that had been made on the Manchester magistrates.

Mr. *Wodehouse* begged leave to put a question to his hon. colleague respecting the conduct of a noble friend of his that had been alluded to by the learned gentle-

man. He begged to ask, whether, soon after lord Suffield became lord-lieutenant of the county of Norfolk, it had not been proposed by the noble lord to his hon. colleague, to give in a list of those gentlemen whom he might think fit to be nominated to the commission of the peace; and whether on his nomination, they had not been appointed. [Cheers from the ministerial benches.]

Mr. *Coke* replied, that certainly, soon after the noble lord's appointment to the lord-lieutenancy, such a proposal had been made; and that accordingly a list was drawn up and presented to the noble lord; but that none of the gentlemen named in the list had been appointed. [Loud cheers from the opposition.] He (Mr. Coke), however applied to the lord chancellor, who, after observing that he did not think Mr. Coke would nominate any person who was not fit for the commission, did appoint them all, with the exception of one hon. friend of his, a member of that House.

Sir *W. De Crespigny* then rose to address the House, but the noise was so incessant that it was impossible to collect what the hon. baronet said.

Mr. *Long Wellesley* defended the conduct of the sheriff of Wiltshire.

Mr. *Brougham*, in explanation, said, he had meant no personal offence to that or any other sheriff.

Mr. *Maxwell* hoped the House would indulge him with a few minutes, when they considered that he represented that county which might be termed the head-quarters of the Scotch radicals. He had for the last twelve months held communication with the manufacturers of that and the adjacent counties, and he found that there were three classes of people who contributed to the present alarming state of things. The first, and by far the most extensive class, was that of persons almost in a state of starvation; the second, that of persons who maintained conscientiously opinions, in his estimation, erroneous; and the last, was that of persons whom he believed to have no object but that of revolution. Under these circumstances, conciliation, he thought, should have been the first step. He concluded with expressing his determination to vote for the committee, but with an understanding that the bill should be there rendered local and temporary.

The House then divided: Ayes, 351; Noes, 128. Majority for the second reading 223. The bill was then read a second time.

*List of the Minority.*

Allen, J. H.
Althorp, viscount
Anson, hon. G.
Aubrey, sir John
Benett, John
Buxton, T. F.
Burdett, sir F.
Baring, sir T.
Barnett, James
Becher, W.
Benyon, Benjamin
Bernal, Ralph
Birch, Joseph
Brougham, Henry
Browne, Dom.
Burrell, hon. P. D.
Calvert, N.
Calvert, C.
Calcraft, John
Carter, John
Cavendish, Henry
Clifton, viscount
Colborne, N. R.
Coke, T. W.
Coke, T. W. jun.
Crespigny, sir W. de
Crompton, Sam.
Davies, T. H.
Denman, Thos.
Duncannon, viscount
Dundas, hon. L.
Dundas, hon. G.
Dundas, Thos.
Ebrington, viscount
Ellice, E.
Euston, earl of
Fazakerly, N.
Fellowes, hon. N.
Fergusson, sir R. C.
Fitzgerald, lord W.
Fitzroy, lord C.
Frankland, Thomas
Grant, J. P.
Graham, Sandford
Graham, J. R. G.
Griffiths, John W.
Gurney, R. H.
Heron, sir R.
Harcourt, John
Harvey, D. W.
Hill, lord A.
Honywood, W. P.
Hughes, W. L.
Hume, J.
Hurst, Robert
Hutchinson, hon. C.
Kennedy, T. F.
Kinnaird, hon. D.
Longman, Geo.
Lamb, hon. G.
Lambton, John G.
Langton, W. G.
Latouche, John
Lemon, sir W.
Lloyd, sir E.
Lloyd, J. M.
Maberly, John
Maberly, W. L.
Mahon, hon. Step.
Macdonald, James
Mackintosh, sir J.
Madocks, W. A.
Martin, John
Maule, hon. W.
Milton, viscount
Moore, Peter
Moore, P.
Mostyn, sir Thos.
Newman, R. W.
Nugent, Lord
Ord, W.
Perceval, Spencer
Portman, Ed. B.
Pringle, J.
Palmer, C. F.
Parnell, Wm.
Pares, Thos.
Pelham, hon. C. A.
Peirse, Henry
Pelham, hon. G. A.
Prittie, hon. F.
Primrose, hon. F.
Price, Robt.
Ricardo, David
Ramsden, J. C.
Rancliffe, lord
Ridley, sir M. W.
Robarts, W. T.
Robarts, A.
Rowley, sir W.
Russell, lord G. W.
Russell, lord John
Russell, R. G.
Rumbold, C.
Scarlett, James
Scudamore, R. P.
Sefton, earl of
Smith, hon. R.
Smith, Samuel
Smith, W.
Smyth, J. H.
Spencer, lord R.
Stewart, W.
Talbot, R. W.
Tavistock, marquis of
Taylor, M. A.
Thorp, Alderman
Tierney, rt. hon. G.
Waithman, alderman
Walpole, hon. G.
Webbe, Ed.
Wharton, John
Whitbread, J. H.
Wilkins Walter.
Williams, W.
Wilson, sir Robert
Webster, sir G.
Wood, Alderman

TELLERS

Bennet, H. G.
Folkestone, viscount

PAIRED OFF.

Mercat, J. W. D.

## HOUSE OF LORDS.

*Friday, December 3.*

MISDEMEANORS BILL.] —The *Lord Chancellor* left the woolsack, and moved the order of the day for the second reading of the bill, entitled "an act to prevent delay in the administration of justice in cases of misdemeanor." His lordship then proceeded to describe the enactments of the bill, which, he observed, if found liable to objection, might be subject to discussion and amendment in the committee. The preamble stated, that great delays have occurred in the administration of justice in cases of persons prosecuted by indictment, or information in the court of King's-bench, at Westminster, or by indictment at the sessions; by reason that the defendants have, according to the present practice, an opportunity of postponing their trials to a distant period, by means of imparlances in the court of King's-bench, and by time given to plead at the sessions. This preamble explained the ground of the delay which it was proposed to remedy. The object of the first provision in the bill was, to prevent the occurrence of delay in the court of King's-bench; and it was accordingly proposed to enact, that no person, prosecuted either by information or by indictment found or removed into that court, shall be permitted to imparle to the following term, but shall be required to plead or demur thereto within four days. He had experienced great difficulty in attempting to trace the origin of this practice of imparlance; but it appeared to have been thought that something like the delay granted in civil actions ought to be extended to defendants in the case of misdemeanor. His lordship was, however, of opinion, that there was no sufficient analogy in the cases. The delay granted in civil actions was founded on the ground, that the defendant ought to be afforded an opportunity of talking with his adversary, and settling the matter in dispute; and also that he might have time to ascertain what his defence ought to be. In a case of this kind, he had thought it right not to rely on his own opinion, but had sought information from persons of experience in his profession, who had agreed in the inconvenience of the present practice. As the case at present stood, a defendant had a right to three rules, and if the information should not be filed nine days before the close of the term he could not be called upon to plead in that term; for the term would be expired before it was in the power of the court to require him to plead. In this state of things, the matter must necessarily go over to the next term. This unnecessary delay would be obviated by requiring the defendant to plead or demur within a certain number of days. It would be for their lordships to judge whether the number of days inserted in the clause were sufficient. It was not wished to call upon the defendant to plead *instanter*, but to oblige him to plead without any unreasonable delay. The remainder of the clause had reference to persons who might appear by their clerk in court, and it was followed with a provision, making it lawful for the court or any judge, on sufficient cause being shown, to allow further time for defendants to plead or demur to an indictment or information. The next clause related to prosecutions by indictment at sessions of the peace. It provided that persons in custody are held to bail within days before the sessions shall plead to the indictment, unless a writ of *certiorari* be delivered before the jury be sworn. Whether this clause was or was not calculated to answer the object in view, would be proper matter for discussion when in the committee, if their lordships permitted the bill to be read a second time, and to proceed to that stage.—His lordship then went over the other clauses of the bill. With regard to furnishing copies of indictments to defendants which had been alluded to on a former night, that would be matter for the consideration of the committee. If any noble lord should bring forward a proposition on the subject, their lordships would consider how far such an arrangement was advisable. It would necessarily be attended with some expense. Having said thus much, he would again assure their lordships, that the measure which he had the honour to propose to their consideration was not one suggested by any circumstances connected with the present situation of the country. He had had it for some time in contemplation; for he was perfectly satisfied that the delays which took place in prosecutions for misdemeanor were a great evil. It might be thought necessary to make exceptions, and the propriety of introducing any into the bill would be a fit subject for discussion in the committee. In introducing this bill, he believed that he was correcting

an erroneous practice which had grown up contrary to the ancient law. His lordship here cited the case of the Seven Bishops, who wished to imparle, in order to postpone their trial to a subsequent term. The subject was on that occasion much discussed, but it was decided by the judges, on reference to the practice of the court, that defendants were not intitled to imparlance, but must plead immediately, His lordship next referred to Nair's case. in 1752, and said, that a similar decision was then given. He concluded by moving that the bill be now read a second time.

Earl *Grosvenor* said, he would not occupy much of their lordships' time, as he did not mean to enter into the details of this bill. His view of the necessity of this and the other measures of severity was much altered since their lordships had come to the conclusion they had done the other night. He might still take the liberty of objecting to parts; but with respect to the question of adopting some such measures generally, their lordships had placed him in a very different situation from that in which he previously stood, and his opinion must be governed by his view of the state of the country under the circumstances of their lordships' decision. It appeared that they were determined to resort to no measures of conciliation, but to throw away the scabbard and depend upon the sword alone. It therefore followed, that their lordships must adopt this and other measures of severity, if they meant to preserve the peace of the country. The noble and learned lord had introduced this bill as a permanent measure, and not as one merely applicable to the present circumstances. Under these circumstances, he would have been happy to have seen provisions introduced in it to prevent delays on the part of the crown. A noble friend of his had on a former occasion pourtrayed in strong colours to their lordships, the evils arising from delay in prosecuting on *ex officio* informations. Now, when such powers were left to the attorney-general, when that officer was permitted to hold informations over the heads of defendants for any indefinite period, it was adding greatly to that grievance to abolish the right of imparlance. By this proceeding the security of the subject was greatly diminished, while the power of the crown was increased. As he had observed, however, the view of the whole which he must take, under the altered situation produced by their lordships' previous discussion, took from him the opportunity of contesting the necessity of the severe measures now in progress.

Lord *Erskine* rose, and opposed the motion. His noble and learned friend, he said, had intimated his inability to trace the origin of the right of imparlance. For his own part, he could look for it no where else than in the ancient law of the country, and this proposition of his noble and learned friend he regarded as a complete alteration of the law. Had any disadvantage arisen from the practice, it would surely have been felt in the lapse of time, and have been rescinded before now. In the time of chief justice Hale the question had been agitated, and there was then no diversity of opinion. That learned judge held that the traverser of an indictment was entitled to the postponement of his trial to the next term. But to show that this right had been recognised by the legislature at a very recent period, his lordship referred to an act of parliament passed some years ago, in which persons indicted for misdemeanor were allowed to traverse to the following sessions. This act was passed in their own time; and, though difference of opinion might arise in the course of years, he had expected that his noble and learned friend would have explained more fully the nature of the new lights which had operated on his mind on this subject. What had occurred in the course of fourteen years to render this change in the practice of the law necessary? When he read in the preamble of the bill, that "great delays had occurred in the administration of justice," he must say, that these delays were given to afford time for the defence. The defendant was justly entitled to them—entitled to them by law. The noble and learned lord stated, that he had consulted persons in the profession of the law acquainted with the practice. He wished his noble friend had stated what was said by the different persons he consulted. His noble and learned friend had stated, that exceptions might be made to the operation of the bill; but whatever exceptions his noble and learned friend might be willing to admit, were so many objections to the principle of the measure. This bill, their lordships were informed, had not originated in the circumstances which had given rise to the other measures before the House; but he must confess, that when he saw the table covered with

other bills tending to abridge the rights of the people, he thought it a very singular coincidence, that this one should be brought forward at the same time. He conceived the origin of the delays granted in cases of misdemeanor to be the wish to preserve an analogy with the law of treason, which had rendered the law of this country celebrated through the whole civilized world. The protection of human life which that statute afforded was the glory of England. In cases of misdemeanor, as well as of treason, how hard would it be to send an individual to trial unprepared, amidst the effervescence of opinion? The delay made the charge undergo a salutary quarantine. Their lordships might recollect the case of a man who some years ago had attempted the life of the soverign. An application was made to the court, to appoint counsel for this man, and he (lord Erskine), then at the bar, was applied to. He asked lord Kenyon if he ought to accept the charge, and that learned judge gave his opinion in the affirmative. When they were proposing to take from defendants advantages which they possessed, their lordships would do well to consider the indulgence which the law allowed in this and other cases of treason. The defendant was allowed a list of the names of the jurors, with their description, and the places of residence. There was given to him a similar list of the witnesses, that he might know who were to appear against him. Finally, he was allowed his right of challenge. All these rights were enjoyed in the case to which he alluded. The defence of the man was insanity, but his trial and the extraordinary circumstance which gave rise to it, attracted the eyes of all Europe, and gave still more celebrity to the wisdom and humanity of British law. This feature of humanity to the accused was, however, now about to be defaced; but, upon what ground? Had not former times experienced as great agitations as were felt at present? Had not the influence of the passions been as strong, the extent of discontents as great, formerly as now? It was not proposed to diminish the power of the attorney-general. Let, then, the accused retain the few advantages still left in his possession. The delays were allowed by the ancient law of the land, and were consistent with fairness and justice. But it was said the court had the power of allowing further time to plead, on sufficient cause being shown. From what he knew of the practice of the courts, he could look to little advantage to the defendant from this clause. When the delay to which the defendant was entitled by law was exhausted, it was not probable that the court would grant a further postponement, unless some strong case could be made out, such as the absence of an important witness; and this was what the court could now do without this bill. His great objection to the measure was, that while it wrested from the subject an important and valuable privilege, it left the attorney-general in full possession of all those grinding powers which were the subject of general complaint, and which ought long since to have been taken from him. Their lordships, in looking at the diseases of the country, differed in opinion as to the remedy, in the same manner as persons differed in treating a sick man. Some would blister and bleed him; others wished to apply only emollients and medicines of the mildest operation. Both parties were equally the friends of the patient, but his safety depended on the choice which might be made. In his opinion, in the present situation of the country, the mild treatment was the best. As the law now stood, if the attorney-general did not choose to bring on a trial, the defendant had no means of compelling him; but in all cases where the king was not prosecutor, this indefinite delay could not take place. Was not this difference a fit subject for the consideration of their lordships, when they were passing such a bill as the present? It was said, that to alter the law with respect to the power of the attorney-general, would be innovation. But then, why begin innovation? And why, when it is begun, let it be all on one side? If you wish to make changes, let them be equal to both parties. Looking at this bill, coupled with the others on their lordships' table, he felt himself bound to give it his decided resistance.

The Earl of *Liverpool*, in rising to support the motion of his noble and learned friend, did not mean to go into those technical consideration which, on such a subject, must be necessarily referred to. He agreed in some respects with the noble and learned lord who had last addressed the house. Although not competent to enter upon a discussion of the legal part of this question, he felt disposed to make some general observations on its main

principle, and the effect which it was intended to produce. That principle seemed to him clear and intelligible. He was convinced that, if their lordships did not pass this measure, they had better at once declare that every kind of blasphemy and sedition was to be tolerated in future. It might be fairly concluded, that to justify any innovation upon the ancient law of this country, some strong case of necessity ought to be made out. He was also willing to admit that, supposing the law to be erroneous in theory, yet if no practical inconvenience ensued from it, it might be unwise to alter it upon speculative views alone. But, if he was not grievously mistaken, the ancient law was favourable to the principle of this measure. It seemed to him, that no analogy could be discovered in a state of law, which permitted little or no delay, in cases of treason, murder, or felony, but allowed it in misdemeanors and bailable offences. Persons charged with the higher crimes were in most instances put immediately on their trial, whilst, in those of a lesser description, a delay might be claimed, extending sometimes to the period of a year. Such delay, if granted at all, appeared to him likely to prove less injurious in cases of superior atrocity, because in them the person of the offender was secured. But, in cases of libel, the offence might be repeated (as their lordships must well know had been frequently done) day after day, and hour after hour, before the party accused could be brought to trial. All this mischief would be prevented by a more seasonable prosecution. An instant trial might afford an adequate correction to the evil. By the present measure it was also provided, that whenever any special reason could be assigned, the courts of law should have authority to interfere, and to allow the party further time. He agreed that they ought not now to consider themselves as legislating *de novo*. He should be the last man to propose or recommend any additional restrictions on the liberty of the press; for he regarded it as one of the best securities of public freedom. But that it stood in need of some regulation, would, he thought, be denied by no man who had attended to that mass of licentiousness, of wickedness, indecency, and profaneness, by which it had recently been contaminated. When doctrines contrary to every principle of religion and morals were openly promulgated, the law ought to be made effectual for its own purposes. Could the imperious necessity of applying some remedy be controverted? Could the progress of this formidable evil be arrested without some proceeding of this nature? The House had been engaged in a great deal of discussion with respect to public meetings, and the dangers arising from them: he believed, however, that no remedy, even in relation to those dangers, would be so effectual as the present measure. Still he was ready to admit, that the choice of a remedy might be a matter of difficult consideration; but the existence of the evil, and the importance of some remedy, was obvious and indisputable. It was that about which all men could at once see and judge equally well. He asked for the support of no man to this proceeding, who did not acknowledge the present evil. If that were acknowledged, could it be maintained that it was fitting that the law should continue unaltered? It was with reference to that evil, that his noble and learned friend had introduced this bill. The question was, whether they ought, in the case of those offences to which he had alluded, to extend to parties accused the favour of traversing or imparling for entire months. He agreed that the measure was an innovation, and that the House was bound to require evidence of a strong necessity. Was there not, then, sufficient evidence of this description in the actual circumstances of the country, and in all those practices which notoriously prevailed? His majesty's government had been asked why more prosecutions had not been instituted. He could only say, that the answer to that question was of itself a strong argument in defence of this proceeding. No effort had been left untried during the last twelve months to bring persons charged with blasphemous and seditious libels to justice. It had, notwithstanding, been found impossible in the present state of the law to obtain more than one conviction. If, then, there did exist a lamentably great and pressing evil, he trusted the House would not be indisposed to adopt some measure of this kind. The noble and learned lord who preceded him, had objected to it on the ground that it took away an advantage from the subject, whilst it left untouched the power of the attorney-general to file *ex officio* informations. But he (lord Liverpool) was desirous that this latter question should be tried on the same

principle. Did any positive inconvenience arise from the exercise of this power? The attorney-general was invested with this discretion—a greater discretion, he admitted, than belonged to any other individual; but it was exercised under a responsibility to both Houses of Parliament. If any strong case of abuse in the administration of this power could be brought forward, he, for one, should be willing to consider the propriety of withdrawing it; but he could see no reason for going into such a discussion, when, for the last thirty years, through the whole duration of his political life, from the time at least when his noble and learned friend on the woolsack was appointed to the office of attorney-general down to the present, the only blame or public complaint had been, that the prosecutions were not more numerous. With this experience then, that there was no ground of accusation or suspicion that this power had been improperly directed against the subject, he could not but feel adverse to the introduction of any provision respecting it into the measure under consideration. There was no charge of abuse, but the error, if there had been an error, was entirely on the contrary side. He could not assent, therefore, at this moment, to any proposition for altering the law in that respect, and trusted that he had shown sufficient cause for the measure immediately before them.

Lord *Holland* declared that he felt some very decided objections to this proceeding. He did not consider himself competent, any more than the noble earl, to look at it in a technical point of view, but should endeavour to state the general nature of his reasons for opposing it. The noble earl had argued this question in a way not very respectful to his noble and learned friend. A great part of his speech was filled with reflexions on that ancient law by which the subjects of this country had hitherto been governed. The noble and learned lord on the woolsack had not uttered a single word on the necessity or intended operation of this measure. He had, therefore, as it appeared to him, received a severe rebuke from the noble earl who had last addressed the House. The wisdom of our ancestors, about which they had often heard so much rant, was at length represented as inadequate. Our boasted constitution was now, at least in some of its parts, described as absurd in theory, and ineffectual in practice. Some of its most important regulations were to be renounced. It had, however, been truly stated by his noble and learned friend, that these laws had been fully revised and re-considered, at the time of our glorious Revolution. They had then been approved by some of the wisest and most excellent men that ever sat in parliament. Among them was lord Somers, who, taking for his guide the opinions of sir Matthew Hale, went still farther, and condemned proceedings by information. He thought proceedings by indictment a safer and more constitutional course. The noble earl had rebuked his noble friend, and traduced the constitution; but he had not shown that blasphemy and sedition might not be punished by the law as it now existed. It had been urged, that the offence of the libel had frequently been repeated before trial, but every one of these additional acts of publication might be already prosecuted. Such acts were, moreover, always referred to in aggravation of punishment. Another difference between the noble earl and the noble and learned lord on the woolsack seemed to arise from a fact mentioned by the latter, and which was that this measure had been long in his contemplation. The noble earl on the other hand had treated it as a parcel of the present budget—as called forth by an immediate necessity, and not as a subject of calm dispassionate judgment. If the House, therefore, could have the benefit of another speech from the noble and learned lord, he had no doubt that the statement of the noble earl would be repelled. Could it be gravely maintained that we had hitherto lived under a state of law that was not adequate to the punishment of vice? They had been told that the attorney-general was a responsible officer; so he apprehended were all persons in public situations. The noble earl had said, that if any system of abuse could be shown to exist in the exercise of that officer's discretion, he would willingly go into a consideration of his powers, but that no such abuse had even been alleged. Upon this point, however, he must beg to refer them to a bill which he had wished to introduce some few years ago, and the object of which would have been to take away all *ex-officio* informations. It was not satisfactory to him to be reminded, that the attorney-general was liable to an impeach-

ment. He had stated upon the occasion before alluded to, what he could have proved, that there had been an increase of twenty to one criminal informations in proportion to the other modes of proceeding. He could also have established something further, namely; that out of twenty filed, only one or two had been prosecuted. The House had frequently heard of the dangers to be apprehended in touching the sacred ark of the constitution. It was a common argument, that it was better to resist inquiry than to innovate upon any ancient law. Here, however, it was proposed to repeal a branch of the law favourable to the subject, and which appeared to him to have been enacted in the same spirit as many other of our free institutions, and which, in his conscience, he believed had often saved this country from being deluged with blood. It appeared to him to involve the same principles as the law of treason, and to have been passed on account of that inequality which was supposed would always exist where the subject was prosecuted by the Crown.—The noble and learned lord had confined his observations to a technical view of this question, and he must confess he had heard with astonishment, that, framed as the measure was, it had long been under his consideration. The very title appeared to him to be loose and inapplicable. The noble and learned lord's legal knowledge had not often been equalled, and certainly, never surpassed; yet he had utterly failed in making the House understand what the extent and nature of the delay was for which this proceeding was to afford a remedy. How were misdemeanors of this kind usually prosecuted? He believed in the court of King's-Bench, by information or by indictment at sessions of Oyer and Terminer. There were two species of information; the one filed by the attorney-general upon his own mere authority; and the other granted by the court of King's-Bench, upon cause shown. By which of these modes of proceeding was the greatest delay incurred? Upon criminal information filed, there was a right of imparlance granted to the ensuing term. This was granted as an indulgence upon application, and was matter of usage on the first process. This was not the case, he apprehended, upon an indictment; for although the party might there traverse, it was only by mutual consent and arrangement. Now, he should have liked to have heard from the noble and learned lord, in what cases these delays occurred most frequently. He had looked into the bill in vain for the opinion of the noble and learned lord on that point; and, indeed, he must say, notwithstanding the great legal knowledge of the noble and learned lord, that a more clumsy, a more disjointed, or a more unintelligible bill, never was drawn up. What would the late earl Stanhope have said of it? Nothing, certainly, would have given him (lord Holland) greater delight than to have heard the eloquence of that noble earl on such a bill as this. Assuming a falsehood for its foundation, it went on to assert that which was not the case, even supposing the first assumption true. After having had the advantage of being assisted in framing it by all the learned gentlemen in the employment of the Crown, the noble and learned lord had said on the second reading, that the preamble must be altered. If the noble and learned lord, with all the legal assistance of which he had had the benefit, had been unable to make the bill intelligible, how were its provisions to be understood by those whom it was to affect? This reminded him of an anecdote which he had read of a great man, who had been a member of that House. He alluded to the earl of Shaftesbury, the author of the "Characteristics," and who was one of the purest and ablest writers that this country ever produced. He seldom mixed in the affairs of the world; but when the bill for allowing counsel to persons accused of high-treason was introduced, he came forward in the House of Commons (for he was then lord Ashley), and for the first time in his life attempted to address the House in support of the measure. Eloquent however, as his writings were he was so overpowered by the emotions which the numerous assembly around him excited that he lost the train of his argument, and was unable to proceed. "Sir," said he, "if I who rise only to give my opinion on the bill now depending, am so confounded that I am unable to express the least of what I proposed to say, what must the condition of that man be, who, without any assistance, is pleading for his life, and under apprehensions of being deprived of it?" The noble and learned lord, in

one of his speeches on this momentous occasion, after stating all the evils that arose from the present practice, had expressed his regret that the assizes were not more frequent. There the noble and learned lord argued well; as he always did when he was willing to do so; and he (lord Holland) was of the same opinion on that subject. But it was surely lamentable, that after two years preparation, they should have crammed down their throats a morsel like this, which, with the assistance of so many eminent lawyers, the noble and learned lord could not render palatable.—The noble lord then proceeded to quote several parts of the preamble, and contended, that it was shown in the bill that the delays complained of arose from defendants being allowed time to plead after indictment.—After what he had shown of the nature of this bill, it was manifest that its title was grossly deceiving, it professed to be a bill to prevent delays in prosecutions for misdemeanors, but it did not say one word of the greatest delays—those which occurred in proceedings by *ex-officio* informations. By the wise provision of those great men who lived at the time of the Revolution in 1688, and to whose authority their lordships often referred, improper delay could not occur by allowing the accused time to plead, because, in prosecutions by indictment, the defendants were obliged to enter into recognizances, which they must forfeit, if they did not appear to plead. But in proceedings by *ex-officio* informations, the attorney-general had the power of punishing a person accused, though not convicted of a libel, by keeping a prosecution hanging over his head for life. He did not say that this had been done by the present attorney-general, or his predecessors; but this he would say, that there were at present forty informations depending, some of which had been hanging over the parties accused for one, two, three, four, five, and some for ten years. And this must surely be admitted to be a shocking state of the law. He would not at present enter into the views which he entertained respecting the danger said to exist in the country—a subject on which he differed, perhaps, from many noble lords who had stated their opinions to the House. Whatever might be the extent of the danger, he thought it was owing, in a great measure, to the distrust of the people in parliament. If their lordships' went on to increase that distrust by passing measures such as the present, they would, by shaking their confidence in parliament (which he thought the greatest safety of the constitution), inevitably increase the evil He could not hope that his opposition would prevent the bill from passing, even in its present state; but if it were so altered as to legislate on both sides, by preventing the delays which occurred in prosecutions by *ex-officio* informations, as well as in those by indictment, he should perhaps give it his feeble support on the third reading.

Lord *Lilford* began by making some remarks respecting the apprehensions which lord Holland seemed to entertain of giving too great an influence to the Crown, and those which the earl of Liverpool held with respect to the absolute predominance of the people. For his own part, he was equally jealous of the absolute authority of both:

> "Justum et tenacem propositi virum
> Non civium ardor prava jubentium,
> Non vultus instantis tyranni,
> Mente quatit solida."

The noble and learned lord, when he first proposed this bill to the House, had told them that it was not suggested by the exigencies of the present time; and he was much pleased to hear that declaration. There was no doubt that the subjects of the realm had reason to complain of legislative enactments, made to meet temporary exigencies. When he looked over the Statute book, he found the laws enacted for temporary purposes extremely numerous. In his view of the case, experience showed not only what was true, but also what was expedient. It was or it was not true, that by the present practice a long interval elapsed between indictment and trial, during which many innocent persons were compelled to stand in the situation of criminals; whilst others, who were not indeed criminals but certainly culprits, stood in the situation of innocent persons. It had been said, that the reason of the noble and learned lord for introducing the bill was, to expedite trials for seditious and blasphemous libels. Now, the only question was, whether this was a sufficient reason for disturbing the law of the country; and as he believed that the delay which the law at present permitted retarded the course of justice, on that view he should support the bill.

The bill was then read a second time.

Seizure of Arms Bill.] On the motion of lord Sidmouth, the House resolved itself into a Committee on this bill.

The Earl of *Darnley* moved, that the clause authorizing officers to enter houses in the night-time to search for arms be omitted. He would ask the noble lord whether a person opposing an officer in the administration of his duty, would be guilty of murder if he should occasion his death? He conceived that all the purposes of the bill would be equally answered by confining the power of searching to the day-time.

The Earl of *Blessington* wished to put a question to the noble lord, before he proceeded to make any comments on the information which he had received. This bill, he understood, was intended to affect Ireland as well as this country. Now, they had been told, that all was quiet in Ireland, and therefore the extension of the bill to the people of that country could only tend to irritate them. The bill, in his opinion, had been rendered necessary, not by those persons whom he would call subjects, but by the conduct of those who were intrusted with the government of the country. He therefore begged to be informed by the noble lord, whether it was in contemplation to extend the provisions of the bill to Ireland. He might remark before he sat down, that formerly when a similar law was enforced in that country, the arms which had been taken away from the people were never restored? He trusted that would not be the case in the present instance.

Lord *Sidmouth* answered, that the bill applied only to certain counties in England which were expressly named. It certainly gave a power to the magistrates in any part of the united kingdom to extend its provisions, if necessary; but at present it was confined to certain counties in this country, and the noble lord would surely not say, that if it was necessary to apply it to other parts of the kingdom, the executive government should not have the power of so applying it. With regard to the amendment proposed, the noble lord had said, that by searching in the night-time great inconvenience might arise to individuals against whom information had been given of having arms in their possession. There was no doubt of this; but the safety of the state was paramount to any considerations of individual convenience. Was it to be permitted, that persons who were said to have arms in their possession, were to be allowed time from sun-rise to sun-set to conceal them? But the noble lord had asked, if a person opposed force, and killed the officer, whether he would be liable to an indictment for murder? The only answer he could give to this question was, that a man might be accused of murder, whether it was committed in the day-time or the night-time. This bill, it should be observed, had a provision, which was not in the act of the 52nd of Geo. 3rd, namely, that a search could only take place on information given on oath; and that being the case, he would ask, if they ought to sacrifice the whole bill by removing the provision to which the noble lord objected?

The Duke of *Sussex* perfectly coincided in opinion with the earl of Darnley on this subject. He did conceive that a great deal depended on the manner in which this law was to be put in execution. When they could carry the law into effect, without offending the private feelings of individuals, or making an attack on public feeling, that course should be adopted. The noble lord had said, that if this provision were omitted, it would not, in some cases, be in the power of the officers to act on the information they had received for ten or twelve hours afterwards. But if they had the power of getting that information secretly, they might surely conceal the circumstance from the party informed against for a short time; and thus, by delaying the search till a seasonable hour, they might avoid giving that offence which the present provision must inevitably give. It was surely most offensive for a man to be disturbed in the first hours of his slumber; and, though he was anxious to avoid saying any thing that could inflame the public feeling, he must declare, that were he disturbed in such a manner, he should certainly be ready to inquire if such a proceeding was legal.

The Earl of *Blessington*, in explanation, said, he should not state his authority for believing that it was in contemplation to extend this bill to Ireland, although he had good authority for entertaining such belief. In consequence, however, of the noble lord's answer, he should not insist on offering any remarks on the subject; he thought the alarm in this country was in a great measure unfounded, and he

must protest against any intention the noble lord might have of making the people of Ireland suffer for it.

The Earl of *Rosslyn* asked, whether the clause which made the possession of arms of a particular description *primâ facie* evidence that they were intended to be used against the state, was so guarded as not to apply to common arms, such as guns, pistols, &c.; and whether, as no oath was required to justify the seizure of the one, the necessity of an oath might not be evaded with respect to the other.

Lord *Sidmouth* said, that the clause expressly mentioned pike-heads or spears, as the description of weapon that should be considered *primâ facie* evidence of the evil intention, and seized without information upon oath. The common weapons which might be kept merely for purposes of defence, were regarded in that view, and an oath of the supposed purpose for which they were intended was required, before they could be seized.

The Earl of *Rosslyn* thought it hard, that the man who had in his possession pike-heads or spears without any design against the government, should have no protection against the breaking open of his house in the night.

Lord *Erskine* did not think that the noble lord was in earnest in bringing the bill before the House. The preamble of it proclaimed the existence of a widely spreading and dangerous conspiracy, in the truth of which he could not coincide. Application, according to the bill, was to be made to a magistrate for a warrant, when the applicant might state, that he believed that arms for an improper purpose were in the possession of another, without however stating any facts. The magistrate would not be at liberty to refuse. Thus some poor man, who with his family might have retired to rest after his labour (if indeed any man could venture to go to bed at all after the passing of this act), might become the much-injured victim of malevolence and oppression. The onus probandi was thrown on the poor man, who would be forced to answer a rule to show cause why the door of his dwelling should not be broken open in the middle of the night, and his family almost tortured, in order to gratify the malignity or the cruelty of any other person. But he might apply for the restitution of the weapons which should be seized from him: and he, like the ghost of Hamlet in armour, might ask at the quarter sessions for his property, and there be compelled to pay heavy expenses. The bill was of a nature which no one could assent to who thought of its consequences. All these things tended to increase the distrust and irritation in manufacturing districts; and if people were disposed to emigrate, he saw no choice between London and Constantinople, unless the preference were in favour of the latter. In London we once had the best laws, which were gradually changed for the worst, and in Constantinople the worst laws, in which no alteration could be made but for the better.

The Earl of *Liverpool* said, that the measure to which the attention of their lordships was then called, was not worse than one which had been enacted four years ago. That there were disturbances, could not but be evident to each of their lordships who had read the papers on the table. The noble lord denied the existence of a conspiracy; and yet who could doubt, after what had occurred at Burnley, where all the persons who composed that multitude, as it was admitted, were armed either with pikes, or with other weapons. For what object were the pikes and those other weapons, constructed and collected, if not for a traitorous purpose? There was a distinction, which could not but be evident from the bill, relative to the mode in which its operation was to take effect. Persons having weapons of the first description, were to be considered as if *primâ facie* testimony had been offered against them, and they were to become liable to the penalties of the bill; but when it could be proved that the other weapons were detained for no improper purpose, the possessors of them were not to be liable to any penalties. In the former case, the possession of the weapons specified was to be regarded as having rendered the possessors subject to the consequences of the bill; in the latter, an oath was to be required before even suspicion could lay hold of the weapons, or leave their owners subject to any disagreeable result.

Lord *Holland* inquired if, in the first clause, there were any objection to insert "two magistrates" instead of "a magistrate?" He did not wish to press this amendment, but at all events the word "cannon" had been omitted among the weapons, as it had been stated that a good many had been about lately.

Lord *Sidmouth* said that the word "gun" was to be found in the bill.

Lord *Holland* objected strongly to its insertion; admitting that, if an evil prevailed, it did not follow that this bill was a proper remedy; it might put an end even to some of the sports of the field; and though people in the country loved the constitution very well, they often loved the favour of an administration quite as dearly, and might give informations to answer any but useful purposes.

The question was put on the amendment, and it was negatived. Lord Darnley persevered in his amendment for omitting the words, "or by night," but the question being put, it was rejected. The House was then resumed.

Training Prevention Bill.] Their lordships went into a committee on this bill.

Lord Holland objected both to the permanency and generality of the measure; at least, he said it would be fit to exempt from its operation school-masters who might employ serjeants to drill boys under their tuition.

The Earl of *Liverpool* replied, that he could not see how it was possible to frame the bill otherwise than as it now stood, if it was to be made effectual for its purposes. The bill prohibited all drilling, but it authorized lords-lieutenant to grant licences for drilling. This power he had no objection to have extended to other magistrates. It was not, therefore, to be apprehended that any of the inconveniences alluded to by the noble lord could arise from the bill as now constructed.

The bill was then read, clause by clause, in the committee, and the report was ordered to be received on Monday next. Their lordships were about to retire, when

The Earl of *Strathmore* requested the attention of their lordships for a few moments. He was anxious that the bills which were now passing should be carried into execution with all possible speed, and with the desired effect. He understood that the statement he had last night made of the numbers who associated in a part of the country with which he was connected, had just been called in question, and denied in another place. He could assure their lordships that that part of the country was much disturbed. What he had said last night of the numbers of the disaffected was rather below than above the mark. In confirmation of this statement he would refer to a noble duke, the lord-lieutenant of the neighbouring county to that in which he lived, whom he saw in the House. The laws which their lordships were enacting were not, in his apprehension, stronger than the necessity of the case required: he even doubted whether they would be sufficient for meeting the evils which they were intended to repress. Not a moment should be lost in putting them into execution, and most happy should he be to find that they affected their purpose without having recourse to more vigorous measures. There was not a man in the House more unwilling than he was to restrict or to suspend the constitutional rights of the people without the necessity.

The Duke of *Northumberland* said, he had had no intention of obtruding himself upon the attention of their lordships; but having been so pointedly called upon, he could assure their lordships that the statement of the noble earl was not only strictly correct, but rather short of the real fact. By a return which had been made to him, upon the accuracy of which he could rely, the number associated in the several collieries amounted to 16,600 persons. He understood that all these had arms. He had since understood, and they had themselves said, that in the district between the Tyne and the Weir, and extending to Carlisle, there were 100,000 men with arms, ready to rise and unite together.

Lord *Redesdale* said, he had that morning received a letter from Newcastle, which enabled him most fully to corroborate, as from the latest accounts, the statements which had been made by both the noble duke and earl.

The Earl of *Strathmore* said, he had just received intelligence that two of the most worthy magistrates in the county had been compelled to abandon their homes, through apprehension of the danger which threatened them. They were now actually residing with their families in the town of Newcastle. For his own part, he felt what was due to himself and the repose of that part of the country, and the moment he had heard of this transaction he had given orders to have his *dedimus* made out; and he could assure the House he would be found on his post in the hour of danger.

Their lordships then adjourned.

## HOUSE OF COMMONS.

*Friday, December* 3.

IRELAND — ARTICLES OF UNION.] Mr. *Vesey Fitzgerald* said, he wished to put to his right hon. friend a question of considerable importance to Ireland, respecting the repeal or continuance of certain duties, which, by the act of union, were to be collected for twenty years after the passing of that act. They were duties imposed on articles imported into Ireland, being of British produce or manufacture. In the present situation of Ireland, with respect to manufactures, it was of great moment to those interested, that they should be acquainted with what his majesty's government intended to do, with reference to this subject, in the present session of parliament: for in this session it must be decided, whether those duties should or should not be continued. His right hon. friend had, in courtesy to him, stated the course that was intended to be taken; but it was extremely important, that by a statement made in his place, the public in Ireland should also be apprized of his right hon. friend's intention.

The *Chancellor of the Exchequer* was quite aware of the great importance of the question put by his right hon. friend. The subject was one of the utmost interest, and he was bound to say, had engaged the previous attention of the Treasury. Sufficient time had not elapsed to enable them to come to a final decision. But he must state to his right hon. friend, that a farther continuance of the duties, beyond the period to which they were now restricted, appeared to him to be unavoidable. But, whether that term would be longer or shorter, and whether it would be advisable that the measure should be one of temporary or permanent policy, it was not in his power to say.

Mr. *Vesey Fitzgerald* did not mean to express any opinion on the subject; but he was anxious that those persons who were interested should bring their case before parliament, when he hoped a just and liberal view would be taken of it. He now begged to put another question to his right hon. friend. When parliament separated at the close of the last session, it was in the recollection of the House, that a bill was about to be submitted to its consideration, for regulating the distilleries of Ireland. In consequence of that measure, which had reference to illicit distilleries, having been abandoned, considerable uncertainty prevailed with respect to the existing law, which affected very sensibly the agriculture, manufactures, and revenue of Ireland. Those who had large distilleries did not like to proceed, as they were ignorant of the measures that might be adopted. Those also who had no concern in distilleries, but who were interested in preserving the peace and morals of the country, by preventing illicit distillation, were anxious to ascertain the exact state of the law as early as possible. Any information on this subject would be most important indeed to the interests involved.

Lord *Milton* said, the subject of the duties imposed on goods imported into Ireland was one of the utmost importance to the manufactures of both countries, and he hoped that, when regulations were adopted, they would be rendered plain and intelligible. As the duties at present stood, the schedule was not sufficiently clear. Some circumstances, he understood, had in consequence taken place in the Custom-house in Ireland, the proceedings connected with which were considered vexatious on this side of the water.

Sir *H. Parnell* wished clearly to understand on what ground a continuance of those duties was to be supported. He begged leave to ask, whether the article of the union by which those duties were imposed had been carefully examined, with a view of fully deciding whether or not the duties could be continued beyond the period of twenty years, without an infringement of that article? At the time the union was under consideration, the question of the duties was argued and discussed; and it was supposed, that when the act of union expired, the duties must expire with it, unless the article by which they were regulated was infringed. He wished to know what the opinion of the crown lawyers was—whether or not those duties could be continued, without violating the compact entered into between the two countries?

The *Chancellor of the Exchequer* thought it would be more regular if but one question were asked at a time. As to what the noble lord had said with respect to the regulations between Great Britain and Ireland, he admitted that the subject was one which ought to be fully inquired into; but any change in the system must evidently be a matter of ulterior consideration. With respect to the legal doubt that had been suggested by the hon. baro-

net, whether the continuance of those duties would or would not be an infringement of the act of union, he must observe that he had never heard such a doubt started before. He had always considered, that on the expiration of the twenty years, every subject connected with the country was open to parliamentary regulation. The only meaning which he affixed to the act of union was, that for twenty years a positive agreement was made not to interfere with or alter certain regulations. With respect to the second question put by his right hon. friend on the subject of distillation, he was not prepared to declare what might be done when that subject came under discussion. It certainly involved a question of great importance to the revenue and agriculture of Ireland; but he was not aware that he could at present give his right hon. friend any answer, except by referring him to the measures that were in progress last session. Every means, however, would be taken to obtain information, with a view to the correction of the evil that had been pointed out.

Sir *H. Parnell* observed, that as the period to which the provisions in the articles of the union extended was on the point of expiring, he trusted that such arrangements would thenceforward be made as might conduce to the convenience of the members for Ireland; that a considerable part of the Irish business would be transacted at home, so that that House might not be troubled with the proceedings of Irish vestries, and that that useless piece of pageantry, the lord-lieutenancy of Ireland, might be got rid of.

Seditious Meetings Prevention Bill.] Lord *Castlereagh* moved the order of the day for the House to resolve itself into a committee of the whole House on the Seditious Meetings Prevention Bill. His lordship said, this proceeding was merely *pro forma*. He would in the committee move, that the blanks be filled up; and on Monday he would state to the House, before going into the debate, what alterations were intended to be made in the bill.

Mr. *Tierney* said, perhaps the noble lord would now state what alterations were contemplated; particularly, whether it was intended that the bill should be temporary or permanent.

Lord *Castlereagh* said, if he gave an explanation on one point, he must follow it up by explaining several others. He therefore declined giving any explanation now. It would only give rise to a debate, for no useful purpose that he could perceive. The best course was, to render the bill intelligible, by filling up the blanks now, and on Monday he would give all farther information.

Mr. *Tierney* said, he was only anxious to know, whether the noble lord had altered his opinion with respect to the passing a permanent measure. He could not see how an answer to such a question could provoke a debate. The noble lord's wrath against the people, which he had so strongly displayed within the last twenty-four hours, afforded but slight grounds for supposing that he had changed his opinion.

Lord *Castlereagh*.—I feel no wrath against the people. I am only doing my duty.

Mr. *M. A. Taylor* said, he conceived yesterday, that after the debate was over, the noble lord meant to state a general outline of the alterations he intended to make; but now he found the explanation would not be given until Monday. He wished, most undoubtedly, for the convenience of himself and other gentlemen, to know the extent to which the noble lord meant to press the measure. As he would not give him that information, and as he had no means of compelling him, he would take another opportunity, when the House was apprized of the noble lord's intention, to state the light in which he viewed the measure.

Mr. *Tierney* gave notice, that he would in the committee, on Monday next, propose that the bill should not be permanent, but temporary.

Mr. *Lambton* rose, not for the purpose of discussing the question before them, but because he felt bound to state his opinions to the House and the country, in consequence of a statement made by a noble earl in another place, that there were 14,000 or 15,000 men on the banks of the Weir and the Tyne, ready for rebellion. Without in any way accusing those from whom the noble earl received his information (of whom he had no knowledge), or supposing, for a moment, that the noble earl made the statement in any other than the most temperate manner, yet, residing, as he did, in that neighbourhood, employing many of the inferior classes of the population, as he did, and representing the county of Durham, as he

did, he felt himself imperatively called upon to declare, that, from all the observation which he had been enabled personally to make, and from all the information which he had derived from his agents, there did not appear the slightest reason to believe that the assertion was founded in truth. He was bound to state this, as it might otherwise be supposed that his silence implied a concurrence in the accuracy of the noble earl's declaration. He wished also to state, with reference to the assertion cited in the debate of last night, that 700 men, with concealed arms, proceeded from a village three miles from Newcastle, to the meeting near that town on the 11th of October; that he entirely agreed with the hon. member for Northumberland in saying, that, from all the information which he had been able to procure on the subject, not one of the individuals alluded to was armed. Before he left that part of the country, he took all the means in his power to obtain information on the subject of the supposed secret manufacture of arms. It had been stated to him by the foreman of a large iron manufactory, in the neighbourhood, that he considered it impossible that any arms could be secretly manufactured by the workmen there employed; for that the raw material was weighed out to them in the first instance, and the manufactured article weighed when completed. It was impossible, therefore, that they could use any of the iron belonging to their employers; and in his opinion they were too poor to purchase iron. He sincerely believed, therefore, that from the stigma of being engaged in any such atrocious practice as that imputed to them, the population of his neighbourhood was entirely free. God forbid that he should say the noble earl did not implicitly believe the statement which he had made; but he had probably received his information from persons not entitled to credit. It had been suggested to him by some of his hon. friends, that he ought to name the noble earl. It was the earl of Strathmore. Although the inferior classes in his neighbourhood were firmly and enthusiastically attached to the cause of reform, he was persuaded they entertained no hostility towards the constitution and the government.

Sir *M. W. Ridley* begged to be allowed to mention a few facts, illustrative of the real character of the meeting which had been held in the neighbourhood of Newcastle. He was peculiarly anxious to do this, from the general impression, that many of the persons attending the meeting at Newcastle, on the 11th of October, were inhabitants of Newcastle itself. He had been particularly requested by the inhabitants of that town to state, that there was scarcely a single person present at the meeting who was really an inhabitant householder of Newcastle. The meeting was held on the town moor, being the only place thereabouts sufficiently large for the purpose. The great number assembled, owing to the neighbourhood not being accustomed to such assemblages, excited considerable alarm. There were about 30,000 or 40,000 persons. He took it upon him to state, from the information of an individual who was present, and who saw the radicals marching in a body into the town, that they did not exceed 7,000 in number. When they reached the moor, and saw the assembly, and the kind of persons who were likely to take the lead in it, the greater part of them turned off, and went away, dispersing very peaceably. On the best information and inquiry, he was persuaded that there were no persons with arms present. He also wished to state, with reference to the other subject mentioned by the mayor of Newcastle in his letter to lord Sidmouth, namely, the turbulent conduct of the keelmen, that it had no connexion whatever with the disaffection which was supposed to exist in that part of the country. It happened about the period of the meeting that there was an unfortunate disagreement between the keelmen and the ship-owners. He had little doubt that the meeting was fixed by the leaders for the 11th of October, in the hope that they would be joined by the unemployed keelmen. It was highly creditable to the keelmen, that those who did attend the meeting were influenced only by curiosity, and took no part in the proceedings. He had that morning received a letter from the secretary of a society, calling itself the society of "Political Protestants" in that neighbourhood, a part of which he thought himself bound in justice to read. It could scarcely be necessary for him to observe, that he believed the principles of such a society were most mischievous, and that he was determined to do all that he could to put such principles down. But as the letter to which he had alluded disavowed any arming on the part of the reformers, he would read a passage from it,

which was as follows:—"We challenge our most inveterate opponents to say that we have in a single instance evinced a spirit of disloyalty. Our meetings have been open, and we have occasionally had the honour of the company of the officers of the police. Our books and papers are to be seen by all who choose to look at them. As to the accusation of our having concealed arms, we are persuaded that his worship, the mayor of Newcastle, has been misinformed on that subject. We are not quite such fools as some persons take us to be. We know that it is the right of every Englishman openly to have arms, and we also know, that to conceal arms is illegal. If, therefore, we wished to have arms, we should buy them openly, and hang them up in our houses. Our object is not revolution, but reform." Of course he could not pledge himself to the truth of one word which he had read, but he had thought that justice to the persons in question required that he should state their own character of themselves.

Lord *Castlereagh* observed, that whether the 700 men who marched to Newcastle from a neighbouring village were armed or not, was immaterial. What had fallen from the hon. baronet was perfectly sufficient to show that there were abundant grounds for apprehension and vigilance. That a meeting of between 30,000 and 40,000 persons had assembled, of whom 7,000 formed a regularly organized body, was a fact on which comment would be superfluous.

The House then resolved itself into the committee. The blanks in the bill were filled up; and the House resumed.

Newspaper Stamp Duties Bill.] Lord *Castlereagh* brought in a bill "to make certain publications subject to the Duties of Stamps upon Newspapers; and to restrain the Abuses arising from the publication of blasphemous and Seditious Libels." On the motion, that it be read a first time,

Mr. *Brougham* rose to object to this bill even in its first stage. He conceived that all the bills lately introduced into the House tended to abridge the liberty of the subject. The present bill, however, went to abridge the liberty of the press, which he conceived to be the great pillar of the constitution; he, therefore, could not let it pass without entering his protest against it. As other opportunities would occur, when he could enter into the objections which he entertained against this bill, he should not trouble the House any farther at present.

The bill was then read a first time.

## HOUSE OF LORDS.

*Monday, December* 6.

Blasphemous Libel Bill.] Lord *Sidmouth* rose to move the second reading of the bill for the more effectual prevention and punishment of blasphemous and seditious libels. He observed, that the title of the bill sufficiently expressed its object, and their lordships, he was confident, could not entertain a doubt of the propriety of checking, as far as possible, libels of the description against which the provisions of the bill were directed. The object of the bill was proposed to be accomplished merely by giving to the court the power of increasing the severity of the punishment which was now applied in cases of conviction for libel on a repetition of the offence. It was not proposed that any additional punishment should attach in the first instance to a conviction for libel, but that a defendant should, on conviction for a second libel, be liable, according to the judgment of the court, to the punishment of banishment or transportation. Having, on a former occasion, fully stated the nature of this bill, and the other measures connected with it, he should not trouble their lordships with any farther details at present; but should be ready in the course of the debate, to give any explanation which might appear necessary. He would only say, that whatever measures their lordships in their wisdom might think fit to adopt in the present situation of the country, they would all prove ineffectual unless means were found to check the licentiousness of the press. That licentiousness was the great source of the evil with which they had to contend, and if, after adopting the other measures, they did not agree to this, the remedy would be incomplete. The objects of the other measures, important as they were, could not be attained without this; for if it were not adopted, their lordships would still have in all its strength, that destructive virus, the pernicious effects of which, if allowed to operate, were certain and irremediable. He concluded by moving, that the bill be now read a second time.

Lord *Erskine* said, that public necessity, from the state of the country, had been assumed as the justification of this bill as it

regarded alike blasphemous and seditious publications; but no such thing was stated in its preamble. It was most important that circumstances which were hereafter to justify, as a precedent, so extraordinary a change in the law, should be distinctly set forth and recorded; but the preamble was nevertheless quite silent as to any facts which ought to have induced the House to assent to any measure whatsoever upon the subject. It merely asserts that "it is expedient to make more effectual provision for the punishment of blasphemous and seditious libels." But why expedient? Had it been shown that the existing laws were insufficient to suppress them? The bill also applied alike to blasphemy and sedition—objects so very different, that nothing could be more absurd than to associate them, and to legislate on them as one, subjecting them to the same punishments. The controversies of the numerous sects of Christians, however widely differing from the doctrines of the national church, were completely and rightly tolerated. Nothing in such discussions were considered to be blasphemous; but as to direct and indecent attacks on the truths of the christian religion, on which the whole constitution of the state was founded, they were severely and justly punishable by the law as it stood, and ought to be most rigorously enforced. The poor man surrounded by his children crying for bread when he had none to give them, would have no other consolation than by looking forward to the hope which christianity afforded. How cruel, then, how intolerably wicked, to disturb such pious faith, and to disqualify the people for the performance of their duty to the state. He would support, nay go before his majesty's ministers in putting down such pernicious publications: nor was there the smallest difficulty in accomplishing it. But a totally different question presented itself when new laws were demanded. The law officers of the crown had already the amplest means in their hands for the suppression of all injurious publications. This was most clearly proved in the total suppression of another species of libel formerly most destructively prevalent, and equally injurious to morals as blasphemy itself. When he came first to the bar, obscene publications, ruinous to youth of both sexes, were as openly exposed to sale in London as at the Palais Royal in Paris; but a private society, without even the aid of the great resources of the Crown, or of any new law like the present, completely succeeded in putting down this odious nuisance. The existing law he himself had found triumphant against them when he represented that body in the court of King's-bench, and they were now never seen, and scarcely ever heard of. How happened it, then, that the attorney-general, with the public purse at his command, could not accomplish what a few private individuals had benevolently undertaken and succeeded in? The reason was manifest: ministers had never properly put the law in action against them. They had contented themselves with prosecuting a few parodies published by Mr. Hone, which, however improper and irreverend, were not aimed at the religion of the country, but at his majesty's ministers and parliament; yet they failed in the prosecution from not addressing the charge and the argument to the jury upon the real, and in his opinion palpable ground of offence. They had no count in the first information charging a seditious libel, and in that which succeeded it they passed it by. In one passage, if I recollect right, it was said, "Oh contemptible Boroughmongering House of Commons, have mercy upon us your would-be constituents." Now, without meaning to approve the present construction of the House of Commons, he was confident that the juries of London would not have sanctioned that publication under the ordinary laws, and with their minds not disturbed by the suspension of public liberty. He would have reminded them that the very same House of Commons so constituted and so calumniated, had been the parent of public liberty, now suspended; that the same House of Commons so constituted and so calumniated, had passed the Habeas Corpus act, even the suspension of which was so justly alarming. That the same House of Commons so constituted and so calumniated, had passed the libel bill which gave them the very privilege which they were to exercise as a trust for the great body of the people. Why, then, were new laws to be made because government mis-directed their charge? His excellent friend, the late attorney-general, had no other course to pursue. To raise a cry for the present bills, blasphemy was made the pretext in parliament, and it was to be followed up in the courts. The Age of Reason had then long been in the most extensive circulation, but never was pro-

secuted or adverted to, nor any other blasphemy, till they were blasphemed themselves in Hone's parody, and *then* it was too late to take the matter up upon their own account, and this was a faithful history of their defeat. He knew juries too well to believe that they would not have faithfully protected the institutions of the country however they might think that they were defective—but when public liberty was suspended, public justice was in a manner suspended also. He came now to a second description of libels against which the bill was directed, but without a shadow of justification. Of a *blasphemous* libel there could be but one feeling and one judgment; but publications might be and often had been charged to be seditious, which were virtuous, public spirited, and useful—writings which noble lords opposite might well think offensive, but which disinterested, honest, men, ought to approve. Such publications, forsooth, even before final judgment, were to be seized by the crown and suppressed. By this bill, a verdict was a warrant for seizure and suppression, though the judgment might be afterwards annulled. The verdict against the dean of St. Asaph was in August, and under this law could not therefore have been afterwards circulated, but under the penalty of transportation. Yet he had shown the court of King's-bench in November, that taking even the verdict to have been justifiable, it was impossible to sustain any judgment on it, and he had not been ever heard in reply when the judgment was arrested. But even if this bill could nevertheless in that respect be supported, it would do mischief instead of good; the libel could only be seized in the hands of the party prosecuted, or his agent, and where they might be lying as lumber unsold, but the judgment of seizure would produce whilst in the hands of others, an extensive circulation. So much for making unnecessary laws instead of trusting to them that were of old times. There were many cases in which a subject had a perfect right to complain of proceedings of the executive government, and even of parliament itself. He had successfully defended Mr. Stockdale on that very ground, for publishing an attack upon the House of Commons, for circulating their own charge against Mr. Hastings long before the hour of trial, and yet prohibiting all answers to it; and it was a noble act of the jury, never to be forgotten, that even before the libel bill, they took upon themselves to acquit him. Had they done otherwise, that virtuous work of Dr. Logan's could not have been sold but under the pains of felony under this pernicious bill before them. The House ought to beware how they inflamed the spirit and temper of the people against the government by new and odious attempts to punish them without measure or mercy. The people of England were not to be so subdued. They were accused of cherishing plans of innovation—but if the accusation was just, why was parliament to become an innovator? Instead of new and unexampled severities, it would be wiser to consider before it was too late of temperate and practicable reforms which would satisfy the well-intentioned and moderate, and induce the partisans of wild schemes to relinquish them. Nothing was wanting to put down blasphemy and sedition but the execution of the laws. The novelty of seizure was once well exposed, and he would refer them for example to the conduct of Cromwell when Harrington's Oceana was seized before the liberty of the press was established by law. Harrington, who, republican as he was, continued faithful to the unhappy Charles, and fainted on his scaffold when he was executed, had this work nevertheless seized as a libel upon *all government.* Harrington sent his daughter to the daughter of the protector to ask her mediation, and seeing her child in her arms, seized it and ran away, and when she was called upon to return it, she complied, saying at the same time, "Your father had seized my father's child—give me back that as I have restored your's." This intercession was successful, Cromwell saying to her, "If my government be made to stand, it has nothing to fear from a paper shot;" and he afterwards consented to accept of a dedication. Depend on it (concluded lord E.) this new system will only increase the evils you complain of. Give satisfaction to the people, and then, instead of passing new laws on the subject of sedition, you might soon dispense with the execution of the old ones. As to blasphemy, crush it at any hour with my assent, so as the laws for the general protection of public freedom are not annulled and violated.

The Earl of *Harrowby* said, he had listened with much attention to the noble and learned lord who had just sat down, because he knew him to possess

great practical knowledge on the subject under consideration; but after having carefully attended to all that had fallen from him, he could not see how his statements warranted the conclusion he had drawn. The noble and learned lord began by making a distinction between blasphemous and seditious libels, the justness of which no man would deny; but although every blasphemous and seditious libel, was, as such, subject to punishment by law, their lordships must have been very inattentive to what was passing if they had not observed the great difference between the libels of the present day and those of former times. He readily admitted, that there were greater shades of distinction in seditious than were to be found in blasphemous libels, which difference would require the consideration of those who executed the laws. It was certainly too much to argue, that a second libel must necessarily be punished by the severest penalty of the law. The answer to such an argument was, that the punishment was by the bill left to the discretion of the court. The noble and learned lord had contended, that the judges had at present the power of increasing the punishment on a second libel; but the subject of complaint was, that by the existing law they had not power in many cases to render the punishment commensurate with the offence. The noble lord had inferred that the law at present must be adequate to check seditious and blasphemous libels, because a society had succeeded in putting down obscene publications. It was contended, that if the attorney-general had been as attentive as that society, he would have succeeded in crushing sedition and blasphemy. This argument was, however, singularly inconsistent with another part of the noble and learned lord's speech, in which he represented the effect of prosecution to be to encourage libels. At least this was a fair inference from the argument, that the sale would be more extensive. The noble and learned lord had supposed that great injury might arise to the property of a bookseller from a seizure which might afterwards be reversed on an arrest of judgment; and, if he understood him rightly, there was little danger of this injury occurring, since the great sale which the prosecution would cause must, according to the noble and learned lord's supposition, leave very little of the property to be seized. But the fact was, that the noble and learned lord had urged no serious objection to the bill. The ground on which the measure was recommended to their lordships' adoption was, that the species and circulation of the libels of the present day differed in description and extent from all former publications. It was impossible for any constitution to escape from the evil effects of the moral taint which such publications diffused. It was argued, that the courts could now punish sufficiently; but the only penalties that at present attached to libel were fine and imprisonment. But, were these sufficient at a time when such extraordinary means were taken to circulate blasphemy and sedition through every corner of the country—when the labourer could not drink his cup of tea or coffee without at the same time partaking of the deleterious poison? Was it, then, too much to say, that a different punishment should be inflicted, when an offence so iniquitous was aggravated by repetition? Did, then, any other punishment but banishment and transportation remain to be applied? Those who gave their support to these laws were the sincere friends of the press They well knew that the liberty of England and the liberty of the press were inseparably connected. It was because they loved the freedom of the press, that they wished to guard against the evils to which its misdirection gave rise. The freedom of discussion which belonged to the constitution of this country, those who recommended these bills were most anxious to preserve. They were not the enemies, but the well-wishers of the press, who endeavoured to correct its abuses. They were desirous of that correction, in order to render the advantages which this country derived from the liberty of the press eternal. But no free government could exist, if those (he knew not what to call them) reptiles, that at present swarmed in every direction, were permitted to gnaw the timbers of the vessel of the state until her preservation became impossible. He was convinced, that their lordships, in spite of all that had been said, would perceive that the present measure, instead of injuring, would strengthen public liberty, and that they would therefore sanction it by their adoption.

The Marquis of *Lansdowne* wished to offer a few observations, with regard to that state of vicious abuse of the liberty

of the press, which had been so much dwelt upon by noble lords, and with regard to its proposed cure. If all that was required of their lordships on the present occasion, was a declaration that a more vigorous administration of the existing law was necessary he, for one, would join in sanctioning such a principle. But was that stated in the preamble of the bill? Was it affirmed that the law ought to be more strenuously administered? No: it was stated, that the law itself did not afford sufficient means of suppressing the evil. Upon what foundation did this statement rest? Where was the information to warrant the assertion? How and where had it been shown that the law, though duly enforced, had been inefficient to put down the mischief?—Without any such grounds of proceeding, without any explanation whatever, their lordships were called upon to pass an enactment which would alter the old, long-established law of the land, and to apply the punishment of felony to cases of misdemeanor; of misdemeanor, too, not precise and definite, but so variable that scarcely any two could agree as to the character of any specific charge.—Their lordships would certainly not be led away by any argument from those persons out of doors who seemed to think that any punishment was unfit for any evil, except what might happen to suit their own views. Their lordships would recognise no such reasoning; they felt that it was frequently one of the most important and essential, as it was one of the most delicate, questions which could occupy, a legislative body, to discuss and apportion the peculiar sort of punishment due to each particular offence. But in all such cases, it was fitting that the most ample details should be laid before parliament, in order to induce it to alter or modify the laws. Whereas, their lordships were called upon to pass the present bill without any information of the inefficiency of the existing law; nay, on the contrary, the documents laid on the table proved, that not merely no extraordinary energy, but that not even common steps had been taken to check the shocking licentiousness that had tainted the press; and that it was till December 1818, that any steps had been taken at all. Yet, in the face of these circumstances, their lordships were called upon to stamp a character on the offence of libel such as it had never borne before, and to visit it with penalties unheard of in the history of this country, and only to be paralleled by the worst precedents in Roman legislation. The praise, therefore, hitherto appropriate, which Mr. Justice Blackstone had bestowed on our law in this respect, would no longer apply: for if the bill were passed, no man could say, "that our law of libel corresponds rather with the middle age of Roman jurisprudence, when liberty, learning, and humanity, were in their full vigour, than with the cruel edicts that were established in the dark and tyrannical ages of the ancient decemviri, or the later emperors."—He was certainly prepared to contend, that the present bill did not propose an alteration in the amount, but in the nature of punishment, by substituting for the well-known penalties a penalty of a quality totally different: one too (he alluded to the transportation to Botany-Bay), which was the very reverse of what was fit for the offence. It was even at present an objection justly urged against the punishment of transportation to Botany-Bay, that it was extremely unequal and more detrimental to one individual than another, though those affected by it were for the most part taken from one class of society; but what would be said of it, if it should be applied to offences which might be committed by men in all classes of society; frequently, too, by men of the most exemplary and praiseworthy characters in all other respects, and who, by their talents and their virtues, might be capable of making ample compensation to their country for any injury which they might have inflicted through the press? To apply such a punishment to such persons, would not merely argue an inhuman want of caution in their lordships, but a great want of policy; for he was convinced that the provision to increase the punishment of the libeller, would in fact decrease it, and be his most effectual protection. This was a view well worthy of their lordship's consideration, they should pause and see whether in fact they would not make it more difficult than ever to procure a conviction for a libel. When any complaint was now made of the few prosecutions instituted for libel, their lordships were told of the unwillingness of juries to bring in a verdict of guilty. But could their lordships hope to cure that unwillingness, by substituting for the present punishment one that

would be revolting to sense and humanity; one that would disgust every man in the kingdom, and of course every juryman who might be called to pass his juudgment in such a case? Their lordships had already seen the difficulty of procuring verdicts in cases of clear and specified crime, and when there could be no hesitation as to the nature of the offence; and juries had not unfrequently (he would not say, that they had acted rightly—all must feel that they had acted naturally), arbitrarily altered by their verdict even the value of a one pound note, in order to ward off what they considered a cruel and exorbitant punishment. If this was the case where the law had defined with absolute certainty the character of the offence, what would be the result where the offence imputed was indefinite and vague? The most eminent judges had been able to give no clearer definition of a seditious libel, than that it comprehended whatever was calculated to bring the government into hatred and contempt. Such a description, it was obvious, would be thought to apply or not to any particular writing, according to the different views and various reasonings of various minds: and where such various judgments might be formed, it was evident that jurymen would exercise their judgments, and modify their sentence by a reference to the consequences which would attach to it. He would ask their lordships to look at what had been the conduct of a great master in legislation on this very subject. He supposed that none of their lordships could feel a greater desire to put down libels than the extraordinary man lately at the head of the French government. Indeed, his extreme anxiety on that point was (if he might be allowed so to speak) one of the defects of his understanding; and certainly, it was not possible for any man to use greater energy and perseverance than he did, to repress what he considered as the evil most formidable to his government. Yet the code of France, even under these circumstances, contained no such unjust and cruel provision as that of transportation for any offence relative to the press. It might, indeed, be said, that transportation was not a penalty known to the French law; but deportation was; yet no such punishment, nor any in the least degree analogous, had been applied; and the punishment of fine and imprisonment was considered to be the most efficacious to repress the evil. Yet the British parliament was called upon to pass a law which was thought too severe even under the late rigid government of France, and which was the reverse of all that was just and humane. And what, he would repeat, would be its practical effect? He was convinced that any man once convicted, would go into court a second time under peculiar advantages, which would greatly tend to weaken the due execution of the law, and thereby the respect due to its administration. That public opinion would set itself against such a severity of punishment in this country, there could be no doubt. Juries would infallibly take into consideration the consequences of their verdicts, mixed up with the consideration of the offence charged, and their verdicts would, as they were now, be guided by the feelings arising out of those united considerations. Take the case, for instance, of an hon. baronet, the member for Westminster, who was now under prosecution on a charge of seditious libel. Suppose that hon. baronet to be found guilty, and to be subsequently charged with a similar offence, could it be believed for a moment, that a jury would by their verdict consign him to Botany Bay, or that they would not give a very different verdict under the same circumstances, with the knowledge, that the finding him guilty might send him to Botany Bay, than they would with the knowledge, that a verdict of guilty could only lead to fine and imprisonment? It was with these feelings, and under these impressions, that he felt it his duty to oppose this bill: let the existing laws be carried into effect, and either they would be found sufficient, or it might be satisfactorily proved that they had failed; but when enactments like the present were brought forward of great additional security, it became their lordships to pause before they agreed to them, and to consider well, whether by these enactments they would not be in effect weakening the cause the enactments were intended to support; whether, if they were attempted to be carried into operation, it would not be much more difficult to obtain a conviction than under the present laws? and thus their whole object be defeated. There was one other part of the bill, respecting which he wished to have some explanation; the term within which actions must be commenced against magistrates, was in this bill fixed at three months, in other bills it had been six months, no reason had been assigned for

this alteration; and as it appeared that three months would be scarcely sufficient for the purposes of justice, he was more anxious to have it explained, why in this instance the usual term had been departed from, no cause being assigned for the alteration on the face of the bill?

Lord *Ellenborough* said, that when he considered that the present bill was intended to annex a new and higher quantity of punishment to the offences against which it was directed, he should be disposed to join in the apprehensions expressed by the noble marquis, as to the difficulty of obtaining a verdict in the second case, if the blasphemous and libellous publications alluded to had extended more generally than he believed they did. But the offences, it should be considered, were those of seditious and blasphemous libels—seditious libels intended to overthrow the constitution, and blasphemous libels to subvert the religion of the country. He still trusted that the efforts of the press, industrious as they were, had not succeeded to that extent which was sufficient to alienate the minds of jurymen from the religion in which they were educated, and from that respect for the laws which it was their duty to maintain. Seditious libels were not the offspring of party views, nor connected with party politics: they were attempts to overturn the constitution, by extinguishing those feelings of attachment towards it, which he hoped still prevailed among his majesty's subjects. The noble marquis had objected that the punishment was new. It was upon that very ground that he (lord Ellenborough) supported it; for believing as he did, that the object of the persons concerned in those publications was base lucre, and their chief agent a vile malignity, he could not help thinking that some new quality of punishment was necessary to meet and suppress their efforts. He was further confirmed in this opinion, from observing that the prosecution and conviction of libellers under the existing law produced frequently the effect which the libeller himself had chiefly in view—that of extending the sale of his work, and thereby putting lucre in his pocket. He was sure when they considered what the author of a blasphemous libel attempted; that he attempted, as had been eloquently expressed by a noble lord who had preceded him, to deprive the poor man of his only hope and consolation; when they considered this, he would ask, what greater crime could be committed? What more atrocious offence could an individual be guilty of, than that of endeavouring to destroy the foundation upon which all society existed? The consolations which arose from religion, and particularly to a poor man, were the most grateful; and yet it was among this class that those pernicious libels were most generally circulated. He looked with little less horror upon those who were charged with publishing seditious libels, their object being to shake the affections of the people towards those to whom the preservation of the constitution had been entrusted, and to produce a change in that constitution, which, if it were effected, must prove utterly destructive of their happiness. Notwithstanding all these mischievous efforts, however, he trusted the constitution would still remain the envy of nations. When they considered the alterations which had taken place in the state of society for the last twenty years, he could not but think that some new regulations were absolutely necessary for the purpose of repressing the licentiousness of the press. In these observations he meant particularly to allude to the progressive increase of education. When they gave knowledge they did not give the power of exercising a proper judgment, although they might hope that power would be inculcated. He believed that where the power of reading and writing had been given, without a strong foundation of morality, instead of producing that benefit which every good man had a right to anticipate, and which all had endeavoured to accomplish, it had been enlisted into the cause of blasphemous and seditious libellers, and had thus become an instrument of real mischief. Upon all these grounds he was strongly of opinion, that some additional strength ought to be given to the laws; and he trusted, notwithstanding the apprehensions which had been expressed by the noble marquis, that we should still be the happiest and the most prosperous nations on the face of the globe.

Lord *Holland* said, that of all the hideous codes which had ever come under his observation, he must confess, he had never witnessed one more obnoxious than that which was then under the considera-

tion of the House; and as he considered it part of a system of policy which was about to be entered upon, he certainly thought himself justified on this occasion, as well as upon all other occasions in which these bills were likely to come before them, to take into his view the state of the danger to which it was said the country was exposed, and to advert to the circumstances upon which the noble viscount on the other side of the House, had recommended these measures to their adoption. He wished, however, on the present occasion, to confine himself entirely to the bill under the consideration of the House. In order to do this it was necessary to look to the grounds upon which the bill had been recommended to their lordships. But where were those grounds to be found, unless in the speech of the noble viscount, and in the preamble of the bill itself, except, indeed, in the speech which had just been delivered, and in which only a rational ground of defence had been stated? All that could be collected from the noble viscount, and from the preamble of the bill, was, that it was expedient to make more effectual provision for the punishment of blasphemous and seditious libels. Was that alone enough to justify an alteration in the laws of the country? Was it upon this ground alone that an alteration was recommended, which would have all the effects, all the advantages, which had been explained by the noble lord at the head of his majesty's council? Was there no other reason for at once destroying the liberty of the press? It was, indeed, of a piece with the ordinary description of parliamentary logic. When the minister came to take the money from their purses, he always told them what a value he sat upon their property: when he offered to invade the constitution, and the law, he told them how he loved the laws and the constitution of their country, and now, when he came to tell them that he who published, perhaps inadvertently, perhaps without the opportunity of control a seditious or a blasphemous libel, was to be transported for life, he told them how he loved the liberty of the press! But let them consider what were the grounds which had been stated by the noble lord for the adoption of this extraordinary measure. The principal ground was the great increase of these blasphemous and seditious libels. In the first place it became their duty to inquire to what that great increase was to be attributed, and whether it was not to be ascribed to the malicious connivance of ministers themselves? Of this he could form no direct judgment; but he was satisfied that these disgusting publications did not add to the state of the country any additional danger. If, however, any danger did result to the religion of the people, from the prevalence of these disgusting plasphemous publications, he asserted that it was wholly to be attributed to the conduct of his majesty's government, and was connected with those evil designs towards the liberty of the country, which had been since the meeting of that House, so clearly developed. He submitted, however, that the people of England were a religious people, and he would be party to no man, whether king, prince, or demagogue, who would allege that they could be made proselytes to infidelity, or that any additional laws were necessary to the maintenance of their faith. If they looked to the history of the country they would find that the people, and not those in high situations alone, had always rested themselves on the foundation of religion; and he verily believed that much more might be done, if a change were to be effected upon the old and approved method of Oliver Cromwell, than by those doctrines of which the noble lord had said so much. But this opinion and observation upon the disposition and temper of the people of England was not only his. They had the opinion of the noble viscount precisely to the same effect. They were told, not above five or six years ago, that there was such a disposition in the people of this country to preach the word of God,—that persons of the lowest situation in life had become teachers of Christianity, and collected immense congregations—they were told that Christianity was preached not alone by the elevated and the learned, but by individuals of the most humble class; and such was the spirit which then existed, that their floor was covered with petitions from those persons, praying for opportunities to pursue that course of religious worship which they conceived best suited to their spiritual welfare. He would ask, what had since taken place to produce so awful a change in the morals of the people as they had heard described? He recollected, in travelling through the country at that period, that scarce a village came under his notice, in which he did not see some new place of religious worship. These erections by

had always seen with pleasure; and knowing the principles upon which they had obtained existence, he could not help listening with regret to the alterations which were stated to have taken place, within a few short years. He did not believe, however, that there was any foundation for this charge; and could not help viewing with horror and indignation, the attempts which were made upon so fallacious an argument to alter the constitution. For these reasons he doubted the first proposition, that it was necessary to recommend the measures which had been proposed to the House. He meant that he doubted the extent of these blasphemous publications; and he also doubted the extent of any danger which had or could result from them. Having expressed these doubts, he next came to another important branch of the question, and that was, how the laws as they existed with reference to this subject had been enforced? It was incumbent on his majesty's ministers before they came to require an alteration of the laws, to prove in a satisfactory manner that those laws were inadequate to the purposes for which they were formed. They should prove not only the existence of the evil, but they were bound also to prove, that that evil had not arisen from misconduct of their own, and that they had not the means in their hands of putting it down. He knew not how this would be answered. If blasphemous publications had been extensively and numerously circulated, where were the prosecutions? or what course had been taken to suppress them? It had been said that juries would not do their duty in cases of blasphemous publications. It was indeed a strange perversion of human intellect, that a person, at the moment he was recommending additional restraints upon the crime of libel, should himself be pronouncing the grossest of libels upon one of the most sacred institutions of the country! It was not less strange to hear it urged that juries who would not convict, as the punishment at present stood, would be more likely to convict if that punishment was increased. But let their lordships come to the bill itself. To what did it refer? They were told by the noble lord who spoke last that he approved of the bill, because it extended the punishment with regard to seditious and blasphemous libels. This, certainly, was a clear and substantial ground for approval; but did the bill itself make any such distinction? Did it not—and it was on that ground that he thought it mainly objectionable—extend the punishment of transportation to crimes which were indefinite in their nature, and which were open to different constructions in the different courts of justice in this country? In this bill, too, there existed an anomaly, directly contrary to the principles of crime and punishment—he alluded to that of making the master criminally responsible for the act of his servant. It had been held in crimes of this character, not merely that it was sufficient to give *prima facie* evidence of the crime of the master, but it had been explained on the highest authority, and had several times been acted upon, but he hoped would be acted upon no longer, that he should not be allowed to enter into any explanation or exculpation of his conduct whatever, although he might know nothing of the writing of the libel or of the publishing of the libel; and although at the moment the publication took place, he might have been actually serving his majesty in putting down a riot. He was sure it could not be the intention of any man, and more especially so candid and ingenuous a person as the noble lord who spoke last, that a person so situated should be subject for the second offence of which he was so found guilty to the punishment of transportation for seven years. But then it was said that this punishment was in the discretion of the court! This was indeed a monstrous proposition, and one to which he would never willingly accede. He would never consent to have the constitution and the liberties of the country placed at the discretion of any man, however elevated or however virtuous. He wished also to state other objections, which he thought equally conclusive. The bill increased the punishment of a crime which he already described to be indefinite. This was a solecism in law, because according to the practice of the courts, there was no *malus animus*. It was also to be remarked, that it destroyed all the right of evidence on the part of the accused. Another point deserving particular attention was that which applied to the evidence to be received as indicative of the first conviction. By this bill it was not the record, or even the copy of the record, that was brought forward; but it was enacted that it should be sufficient for the clerk of the peace to write a certificate of the sub-

stance and effect of the record. Substance and effect of the record! Why, he would ask, was this provision so made; why not in these as well as in other cases have the record itself? It might be said, that it was too expensive; but no expense could be too great where the due administration of justice was at stake. He also found in this measure a new term in legislation—he meant the word "banished." He did not know, nor had he ever heard of banishment as any part of the laws of this country. Why it had been introduced on the present occasion he was at a loss to imagine.—He now called upon the House to look at the practical effect of this measure arising out of the difficulty of the definition of a libel. There was scarcely a man in the two Houses of parliament for the last 150 years who might not have been in a situation to be tried under this act. Let them look, too, to the effect which was likely to accrue to all public men, whether literary or otherwise. In speaking of men who had been considered as men of great talent and high station in this country, let them take in my lord Somers, during the years from 1679 to 1683, a time of great oppression in the courts of justice, and when the judges were extremely subservient to the administration in power. During that time, what would have been the effect of such a measure as this? Would not many passages of his speeches, dictated by integrity and sound worth, have been pronounced libels, and punished accordingly? From the time of lord Somers down to that of Mr. Burke, taking the acts of their public life, might not many men have written or spoke some opinion which would come within the definition of libel? And when they considered the fluctuation of parties, to what consequences might not those persons be exposed? Let the House consider the situation in which men would be placed who were altogether innocent; or who, if guilty, could only be accused of a venial offence. Let them consider too, that these persons were to exposed to the punishment inflicted upon criminals of the lowest cast. Let them see also what would be the effect upon literary men, both with respect to seditious and blasphemous publications. What would have become of Milton? What would have become of Dryden, if those against whom his pen had been so effectively wielded, had come into power? Would they not have punished him for those libels, in defiance of his talent? What, too would have become of Pope and Addison, and above all, of sir Richard Steele, the author of the Christian Hero—the eloquent advocate of Christianity. Could he find security; would not Christianity itself be deprived of its warmest friend, if such a man were sent to Botany-bay? Look to the effect of this law upon men who had, in the change of parties, lost the protection of power. Would they not, amidst the animosities of political hostility, be exposed to the most dreadful consequences? Would not, in fact, such a measure be made the instrument of vengeance, instead of power?—But he considered this bill not merely in the circumstances which he had described—there were other points of view equally important. There was another class of persons equally exposed to punishment, not merely the writer, the man of ability and the man of education, but the poor vender of newspapers, who awoke them in the morning with the sound of his horn, and was alike indifferent to what he sold, whether the loyal address of a university, or the contemptible discussions of a radical meeting. Knowing nothing of the contents of the publication, and perhaps incapable of judging of those contents if he did know them, he, too, was subject to the consequences of this bill; at least to the discretion of his majesty's judges. And he here repeated that, however high he held the character of the judges of this kingdom, and there was no period at which they deserved more praise, yet he never would place in their discretion the degree of punishment which such an offender was to receive. He now came to another consideration, and that was, how far the proposed increase of punishment was likely to operate upon the crimes which it was meant to suppress? He would suppose sir Samuel Shepherd addressing the jury in the prosecution of Mr. Hone, and by-the-by he could not help remarking, that the selection of the libel for which that individual was tried was rather unfortunate; he said he would suppose sir Samuel addressing the jury, and after he had closed his case he were to say, "I have now said all I think necessary on this libel, I have proved that it has been printed and published by the prisoner at the bar, and now I beg leave to observe, that if you bring him in guilty, if ever he does any thing of the same sort again, he will be liable to be transported

for seven years." Did the House think that this argument would have the effect of convincing the jury that they ought to return a verdict of guilty, instead of not guilty? If there was any force in the reasoning of the noble lord, they must suppose that this monstrous and incoherent proposition was tenable, namely, that an increase of punishment would render the conviction of crime more likely than it was before. It had often been urged in that House, that those who inflicted punishment were more likely to suffer than those by whom it was received; and if it was true, in general, that severity of punishment operated more powerfully on the humane mind, than punishment of a lenient character, was it likely that the punishment of transportation was better calculated to ensure conviction in cases of libel, than if the law remained as it was? The only argument like reason which he had heard, was from the noble lord near him (Ellenborough): he alluded to the observation, "that the present punishment was insufficient." He would not say whether this proposition met his views or not; but he considered that persons willing to endure imprisonment for the sake of gain, would not be induced from the fear of transportation to desist from their criminal practices. On the contrary he thought they would endeavour to increase those gains, in order that on being sent to Botany-bay they might be enabled to enjoy the fruits of their nefarious practices; and, therefore, the new mode of punishment, in his opinion, would not diminish the disposition to offend. [Here a noble lord on the ministerial bench was observed to smile.] The noble lord smiled—and he could trace the source of his smile—he meant to insinuate that he could not take the argument both ways; but he contended that he could, and submitted that both arguments formed a still stronger objection to this bill. His argument went to prove, that during quiet times this bill was not sufficient to suppress the crime to which it was applicable; and that in times of deep agitation it was likely to furnish a weapon of all-powerful persecution, and to turn the sword of justice into the dagger of the assassin. During peaceable times the bill would have no effect at all; while in turbulent times, it might be converted into an instrument for the persecution of innocent persons. These were his reasons for opposing this bill; but he objected to it still more, because he considered it one of those long catalogue of measures which had been introduced to the House for the purpose of invading and destroying the constitution of the country. The effects of these measures collectively, he would on some future occasion submit to their lordships: at present he should content himself with stating, that he considered that the reasons which had been assigned for altering the law of the land were insufficient. Persons guilty of a smaller crime were to be subject to the dreadful punishment of persons guilty of a greater. A new punishment, in fact, was enacted in the laws of England; and this, too, at a time when ministers themselves said, that malicious and designing men went about the country representing to the people, that they could no longer place confidence in the justice of parliament. Whether at such a season it was wise to introduce such a measure, common sense would best point out. He considered the measure altogether objectionable, and entreated the House not to give it their sanction. He hoped, when he saw the bill go into a committee, that their lordships would strike out those parts to which he had particularly alluded, and that they would save that House from the reflections which their adoption of such a bill would naturally produce.

The *Lord Chancellor* said, that he conceived the measures upon which his noble friend who had just sat down had commented with so much severity, essentially necessary to the preservation of the free constitution of this country; and after the manner in which that noble lord had thought proper to speak of them, it was impossible for him to remain silent. The noble lord had spoken that night in a manner calculated to disgrace the judges of this country. But he would ask the noble lord if he was acquainted with the whole law of libel? At this very moment the punishment of libellers was at the discretion of the judges, and it was at their option to fine, to imprison, or both. There had been, however, a vast change in the law on this subject within a few years past. When he had the honour of holding the office of attorney general, he was effectually opposed in his prosecutions by the noble and learned lord who had addressed them early that night (lord Erskine)—an opposition which he could not help thinking added weight in the cases in which he was himself subsequently

engaged. Was it then thought of calling in question the discretion of the judges which was now so much repudiated? What then appeared to be the perfection of the constitution was, that the punishment was in the discretion of the judges, not so, according to the doctrines which had now been promulgated. But to the question as the law stood. If a man, between the time of his prosecution and his judgment, thought proper, day by day, and hour by hour, to repeat his offence, by means of his servant, his wife, or some authorized person, there was nothing to prevent him. Until a great lawyer in another place and a great reformer of laws (Mr. M. A. Taylor) had thought proper to take away the punishment of the pillory, there was some check to this species of pertinacity; but now the court could only imprison and fine, and often the fine was imposed where it could not be paid. The learned lord then alluded to the repetition of the publication of the infamous blasphemies from "The Temple of Reason," after the conviction of Carlile. It was true, he said, that each of these publications might form a subject for a distinct prosecution; but if they extended to the number of 500, or 1,000, or 1,500, was it possible for the duration of human life to afford a sufficient space for a punishment equal to the incalculable mischief which their circulation would effect? His lordship then commented upon the pernicious consequences which had resulted to society from the publication of seditious and blasphemous libels, which were dispersed throughout the country in waggon loads, at the expense of those who felt an interest in their dissemination. The act now before the House would have the effect at once of preventing this evil; for the man who sold, who gave, who lent, or who distributed in any way, one of these libels, would be guilty of a misdemeanor. He should be extremely glad to know how, by any other means, this object could be effected. The law as it existed gave no power of this description, and therefore that House was called upon to remedy the evil; and the bill before their lordships he considered in all respects conducive to that important end. He did not think because the law was made stronger, that juries would be the less inclined to do their duty; on the contrary, he had a firm persuasion that they would do their duty, as became honest and conscientious members of society. He did not mean to say that there were not particular cases in which juries might miscarry. No: one of the greatest beauties of the English constitution was, that all persons might miscarry in performing their duties; or in other words, that a great latitude was allowed them; that no power was employed to compel them to act in a particular manner. He found all the juries with whom he had had to deal anxious to do their duty. He stated this with great truth, and also with great seriousness, for this reason—because it could not long be stated with truth, if they allowed blasphemous publications to be promulgated until they produced an evil effect on the minds of jurymen. As long as their minds were influenced by the religion of the country, by the principles of that religion which their lordships professed, so long would they act conscientiously. There might be miscarriages; but when the law was explained to them, it was their bounden duty to put it in force, and he was quite sure that there would be no disinclination on their part to do so. But, suppose there was a chance that they would not act correctly; was he, therefore, if he thought the constitution in danger, if he thought the law, in its present situation, was unable to support and sustain the constitution, for the benefit of juries themselves, as well as of all the King's subjects; was he, therefore, he asked, to abstain from the performance of his duty, and to declare, that he would not be a party to those legislative provisions, in the passing of which, he hoped to have their lordships concurrence? Notwithstanding all he had heard of the general disinclination of juries to administer the law, he was not one of those who believed that such a disinclination existed. In cases of a criminal nature, to which it was his painful duty to attend, he saw no ground to excite a suspicion that such a disinclination prevailed. They were told that there were several clauses in this bill which were highly objectionable. It would be proper to debate those clauses when they came regularly under consideration; but, as he took it, the question they had to dispose of this night was, whether they were not satisfied, not of the expediency of passing this law, but of the necessity of suppressing seditious and blasphemous libels; and that, therefore, they should enact some measure? What they were to enact was another question. If their lordships thought the existing

laws were sufficient for the suppression of such publications, let them say so: but if they did not, then he conjured them, by the gratitude they owed for the blessings they themselves enjoyed, as subjects of this free country, to exert their best powers to hand them down unimpaired to their posterity, if they conceived they could be preserved by wise and vigorous measures. When attempts were made to undermine religion, morals, law, property, in short every thing held most dear, he trusted they would not withhold their concurrence from this bill, which was intended to support them. The great question was, could they, or could they not, take upon themselves to say, that the present state of the law was equal to meet and to correct those evils? He thought it was not, and on that ground he should vote for the measure. His learned friend had stated to the House how he would have carried on the prosecution against Mr. Hone; how he would have addressed the jury; and how great would have been the probability of his succeeding. He was well acquainted with his learned friend's fascinating manner of addressing a jury; but, after being informed by his learned friend of the course he would have taken, he doubted much whether he would have succeeded. His learned friend cried "Hear, hear." He also would cry "Hear, hear." while he stated, that, in his opinion, sir Samuel Shepherd took a correct course. What he did in that case was, to ask a jury of the country, whether a parody, libelling a part of the religion of the country, ought not to be punished? He did not condescend to call on them to look at it as a libel on the various persons therein named. With respect to the law of libel, it was introduced after many gross offences had been committed; it was part of the law of the land, and he hoped it would never be destroyed. This he would venture to say—that it would be wisely used, if exercised to support the constitution of the country; but it would be greatly abused if exercised to destroy that constitution. In this case he was confident it would not be so made use of; and he had no doubt in his mind but that the juries of the country would fearlessly carry into effect the law of the country.

Earl *Grey* said, he would not stop to inquire whether the prosecution, which he thought had been most injudiciously directed against Mr. Hone, might or might not have been better conducted. At the same time the noble and learned lord would allow him to say, that, if it had been carried on by his learned friend near him, to no hands could it have been intrusted with a greater hope of success. Feeling as sincerely as any man in that House the indecency and impropriety of reviling or scoffing at religion, still he was of opinion, that that prosecution was most injudiciously taken up, and that the verdict of the jury was perfectly right; because he was convinced, from the evidence and the arguments adduced (and the jury seemed to be convinced of the same thing), that it was not the wish or intention of the defendant to do that with which he was charged, namely, to defame and hold up to contempt the litany and religion of the country, any more than it was the intention of other persons who had published parodies on Shakspeare or other great poets to degrade or vilify them or their works. The learned lord had a little misapprehended what his noble friend had said on the subject. In stating how this prosecution might have been conducted, his noble friend's argument went, he thought, to show, that there would have been a better chance of succeeding in convicting the defendant of publishing a seditious than of disseminating a blasphemous libel. This, however, had little to do with the subject then under discussion, on which, as a matter of much greater importance, he should proceed to deliver his sentiments, and endeavour to answer, if he could, some of the observations of the noble and learned lord who had just sat down. He was afraid that he could not do that justice to the question which he wished; but that circumstance was the less to be regretted, because his noble friend near him had left him little to say in the way of argument. His arguments would, no doubt, be subjected to that sort of taunt which had been thrown out against those advanced by his noble and learned friend behind him. He would be told that they were weak and feeble. His opposition, he admitted, was generally feeble—much too feeble for what the importance of the case required, but feeble only from the defective powers of the person arguing, and not because the individual now delivering his sentiments did not think that this hideous code, as his noble friend had well described it, called not for the most earnest, the most anxious, and the most determined opposition of every man who wished well to

the constitution of his country.—Part of the arguments of the noble and learned lord, he confessed, he did not well understand. He argued, first, on the position advanced by his noble friend (lord Holland), a position—which had been unanswerably stated by him—that it was a great and serious evil to be subject to the discretion of any individual. With respect to this position, the noble and learned lord proceeded to show that the judges were at present necessarily vested with a very extensive discretion. But, was the noble and learned lord prepared to state, that such a discretion was not an evil? Was it not, on the contrary, the policy of the law, and the spirit of the constitution of this country, to confine that discretion, where it could not be altogether removed, within the narrowest limits possible? If he could not prove the reverse of this position—and it appeared to him that the noble and learned lord could not dispute its correctness — what then was his argument good for? Would the noble and learned lord tell them, that the judges having at present a discretionary power to punish, in cases of blasphemous or seditious libels, with fine or imprisonment, or both; or that until an hon. and learned friend of his had had the punishment of the pillory repealed (a measure of which he highly approved), the judges having, at their discretion, the right to inflict fine, imprisonment, or pillory, or all three, on persons guilty of publishing blasphemous or seditious libels—would the noble and learned lord tell them, that these were light and trivial matters, and, therefore, that it was necessary to grant a more extensive discretion, and to subject an individual offending to perpetual banishment from the united kingdom? that he should for a civil offence suffer transportation, as if he were a common felon? that he should be chained with common felons in the hold of a transport-ship, and in that situation, be sent to a remote quarter of the globe? This was a fearful, appalling discretion to be placed in the hands of any judge—The noble lord who sat near him (lord Ellenborough), and who gave as much promise of ability as he had ever witnessed in a first, or, indeed, in any speech in that House, had observed, that blasphemy and sedition were the greatest crimes that could be committed against society, and called for, what every man of sound principles in the country must admit such offence merited, a just and sufficient punishment. No man could doubt the correctness of this sentiment. But the noble lord spoke as if sedition were so definite and precise a crime, that it could not be mistaken. He now called on the noble lord to define to him that which no act of parliament, no lawyer, no judge, had ever yet defined what was the exact nature of a seditious libel. In his opinion, the great evil of this bill was, that, for a crime the most indefinite that was known to the law of England, a discretion was given to the judges of inflicting a punishment which was heretofore only attached to offences of a felonious character. That, it should be observed, which might at one time, be considered seditious, at another period might be looked on as a laudable act; and, therefore, in legislating with reference to the offence, they could not guard, with too many securities, against the possibility of the law being made an instrument of oppression. A seditious libel, in the common acceptation of the word, was, as the noble lord had stated, a publication which tended to disturb the constitution of the country. Now, how many publications would bear that construction in the minds of some persons, which would not be viewed in the same light by others? That which, at one time might be considered a laudable and just endeavour to stimulate the people to uphold the rights which they claimed under the constitution, by a vigorous defence of those rights from encroachment, might, at another, be stigmatised as a seditious attempt to disturb the legitimate course of the powers of government. Those publications would operate, and would be viewed, with reference to places, to times, and to circumstances. It was not uncommon to confound the interests of the constitution and the government of the country, with the interests of an administration; and in some parts of the country, remarkable for the warmth of their zeal, libels against his majesty's ministers might be considered an attempt to disturb the frame of government. In that case, a person twice convicted of such libels, would be subjected to this horrible punishment—transportation, perhaps for life, perhaps for a shorter term. This was a great, a serious evil, and ought not to be incurred, without the most decided proof of its absolute necessity. The country, it was said, was inundated with blasphemous and seditious libels. He could

draw a very great distinction between the two offences. Blasphemous libels he looked upon as considerably more mischievous than those of a seditious character; but he did not think the danger to be apprehended from either was so great as had been represented. Let no person imagine that he wished to defend the circulation of such libels. He had no such object. In saying this, he meant to make no strong profession on the subject. He was merely desirous of claiming that degree of credit which every man's character and conduct in life entitled him to. Disapproving, as he did, of those publications—thinking, as he undoubtedly did, that they deserved punishment—still he was not one of those who believed, notwithstanding all the pains taken to circulate them, that they really were circulated to the extent that had been asserted. He did not think they had spread that foul taint over the morals of the country which the lord president of the council had ascribed to them. He believed, with his noble friend (lord Holland), that the people of England were a moral people, and that those who wished to obtain their confidence and favour by the dissemination of blasphemous libels would find themselves miserably deceived. He believed that, if any man entertained the desperate idea of proceeding in the object of a criminal ambition, he would effect his purpose sooner by exhibiting a fanatic and over-religious zeal, than by acting as an atheist and an unbeliever. Had their lordships no evidence on the subject? Let them examine the conduct of those persons whose designs were the most dreaded, and who stood most decidedly opposed to the government of this country. What was their conduct? What did their lordships see? Were those persons employed in actively defending those obnoxious publications? On the contrary, had they not, at public meetings, within these three days, disclaimed any connexion with those irreligious principles? Did they not feel it necessary to justify themselves, by disclaiming not only any participation in the sentiments of Paine (the recent disgusting proceedings respecting the remains of whom he would not even mention), but any knowledge of them, as they had not even read his work? If there were publications against the constitution and the government, the question was, whether the law now in being was not sufficiently strong to meet them, unless there was something in the conduct of government itself that weakened the effect of that law. He had listened with great attention to what the noble and learned lord had said on this part of the subject. He was a great authority in the law—possessing all its learning, most conversant in its practice, and capable, if ever man was, of informing and instructing others in its subtilties. And what did the noble and learned lord say? He told their lordships that he was quite confident in the correct and upright conduct of juries. Now, who believed that they had not done, and would not do, their duty? He went on to observe, that as the law now stood, every publication of a libel might be made the ground of a prosecution; and the punishment, by imprisonment on each conviction, pushed to such an extent, as to exceed the duration of any man's life. Was not that power sufficient, if the law were prudently and vigorously administered, to put down the evil? A noble lord had observed, that the desire of amassing vile lucre was the great cause of those publications. Perhaps, the baser the motive, in such cases, the more worthy of punishment was the offender. But, if vile lucre was the object of those who published blasphemous and seditious libels, could they be more severely punished than by mulcting them of the sum they had amassed? But the noble and learned lord, although he admitted that imprisonment might be visited on persons convicted, to an extent beyond the duration of human life, declared that the law was insufficient. Had it, he demanded, been found insufficient? Had libels of this nature never been published before? Had prosecutions of this nature never occurred at any former period? Had no man, prior to this time, ever published libels, in which a wish to change the constitution was apparent? From the period of the Revolution downwards, when more zeal and more ability were manifested in the mode of conducting the press than perhaps it could boast at present, when the government was not firmly established, when those extraordinary aids which were now called for might have been demanded with a greater show of reason, then their ancestors relied on the existing laws, and, with their assistance, preserved that free constitution which the noble and learned lord had so highly praised—praises which he did not hear with pleasure, because they were too certain precursors of the inflic-

tion of some wound on that constitution, the blessings of which were described in such warm language. With respect to Carlile, how long had he been allowed at his "Temple of Reason" to disseminate the poison of which the noble and learned lord had spoken? Why, he had been allowed to do so for years. But when a prosecution, properly conducted, was instituted against him, it ended in his conviction; and such a punishment was inflicted on him as must effectually ruin the man for ever. In the case of Mr. Hone, a subscription was entered into; and, God forbid that those persons who subscribed should be considered the less religious on that account! They subscribed, because they thought, as he did, that Mr. Hone was the subject of an unjust prosecution. The case was not the same with respect to Carlile. He could not procure bail before judgment was pronounced on him; and ever since he had been found guilty he remained in prison. A heavy fine had also been imposed on him; and if he could not raise it, he would remain in prison for life. Besides, he was bound over to keep the peace, in very heavy penalties. It was highly probable that he would not be able to procure the necessary securities, and until they were forthcoming, he must continue a prisoner. Was that a light power that could award such a sentence? Were punishments of this nature light and trivial? He would maintain, that if the law was duly administered, it would render completely unnecessary such an enactment as that which was now before their lordships. Let the House suppose an individual, whose anxious wish was to perform his duty to his country, and to enlighten his fellow-subjects, but who, in doing so, excited a strong feeling against the measures of government—would it be a light matter to such a man, or could any person imagine that he could exercise the right which the British constitution gave him, of canvassing great public measures, if, on a second conviction for an undefined crime, it was in the discretion of a judge to cast him amongst felons in the hold of a transport-ship, and send him for seven years to Botany Bay? Those who argued in favour of this severe measure admitted that the liberty of the press was the main stay and support of the constitution; and yet, in their horror of its licentiousness, they were ready to destroy it altogether. At the commencement of the last century, under the government of king William, this country was exposed to infinitely greater danger than any which now threatened it. Was it not known, at that time, that a most active party was willing to support the claims of the exiled family? Was it not understood, that, assisted by the French, they were preparing for rebellion? Were not plots of assassination against king William constantly spoken of? If the present ministers had then been in power, what would they have said? They would have declared that those treasonous machinations that threatened the life of the monarch demanded new and extraordinary guards. "We must," they would have said, "no longer leave the life of the monarch exposed to such dangers, nor must we leave the government open to the inroads which threaten it. It is necessary that we should alter the law of treason, and give greater powers to the crown." Was that the plan of the ministers of that period? No; in that very year, when the assassination of the monarch was agreed on, the act relative to constructive treason was passed—that valuable act which gave additional security to the subject, but which, if ministers proceeded in their present course, acting on those new and extraordinary lights that appeared to have broken in upon them, they would, perhaps, in a short time, be called on to do away. The danger of legislating in this manner was self-evident. He asked of their lordships what was likely to be the consequence of the course in which they were now proceeding? He demanded, whether, for some years back, on every new occasion, when any passing danger seemed to threaten the country, the course had not been to grant new powers to the crown and government, whilst nothing whatever was done for the people—nothing to preserve their privileges—nothing to afford additional securities for the protection of their rights and liberties? Instead of that, some additional power was regularly given to the Crown, to coerce the people, and to keep them down more effectually. What could lead more to the corruption of the law, and the utter subversion of the constitution, than so unjust a line of conduct? This was the course that had been adopted for some time past, and which might be traced in the whole code of measures sanctioned and supported by his majesty's ministers—measures brought forward, not to put down the evil of the day, but to inflame and irritate the peo-

ple, and ultimately to destroy those popular rights and privileges which were once the boast of this country.—He maintained, that the measure now proposed would not check or repress the evil; on the other hand, he conceived that it would very much inflame and increase it. It was impossible it could be otherwise. The fact might be demonstrated from what took place in the course of the last summer. They could judge from the papers on their table, whether the inflammation that existed in the north of England, prior to the 16th of August, was not greatly increased after the events of that day. Mr. Spooner, in his letter, stated that the evil had greatly subsided, that the people would not hear those inflammatory speeches which they had previously attended to, and that no apprehension of a rising need be entertained. Lord Fitzwilliam, in his letter, stated that the meetings were very much on the decrease. But it was notorious, that after the 16th of August, the meetings increased exceedingly, and the spirit by which the people were actuated became much worse. The same effect would be produced by those laws which they were unwisely and ineffectually pressing forward, and against which he would most earnestly, most sincerely, and most zealously raise his voice. He felt how strongly the tide of the House set against him; he knew that it was impossible for him to stem it; but still he would perform his duty. He would not trouble the House much farther: he knew the bills must pass, in spite of all that he and his friends could do; and when that event had taken place, he felt that in future theirs must be a fruitless and unavailing opposition. He hoped the event would prove, that he had adopted a mistaken view of the subject. He trusted those measures would be found as the noble president of the council had stated they would, the best support of the constitution; and that discontent would be succeeded by returning affection, the zealous approbation, and the willing obedience of the people. This was his sincere desire, for he cherished no wish, public or private, except an anxious wish for the peace and prosperity of his country. But, conscientiously feeling that these measures were of a different character; that they had been unadvisedly brought forward by his majesty's government; and that the evils which they were meant to correct would, in fact, be increased by them, he felt it to be his sacred duty to raise his humble voice in opposition to them.

The Earl of *Liverpool* said, that the noble earl who had just sat down had taken a view of this question which, if he could make it good, would cause this, and most of the other measures that had been proposed for their lordships consideration, to fall at once to the ground. The noble earl seemed to think, not only that the apprehensions entertained on that side of the House (indeed, he might say, on both sides of the House, with little exception) were unfounded, but he likewise appeared to consider that the special and particular danger which this bill was intended to provide against, might either be effectually met by the existing law, or might be looked on as an evil of which they need not entertain any serious apprehension. However different the opinions of the noble earl might be with respect to the present situation of the country from those held by the great majority of parliament and of the nation, he could venture to affirm, as far as his observation went, that there was no point on which his (the noble earl's) sentiments were so much at variance with public opinion, as on that which referred to blasphemous publications. He could safely assert, that amongst no rank of society, either the higher, the middle, or that part of the lower class who reflected on the subject—amongst no persons of any religious sect or persuasion, had he found a difference of opinion as to the danger of such publications, and the necessity and propriety of arresting those principles and putting down such works, if it were possible. The noble earl and other noble lords said, that he did not apprehend any danger from the dissemination of those blasphemous publications, because the people of England were a religious and a moral people. He was ready to admit that they were a religious people; but the question was, how long the lower orders would continue so, if those publications were allowed to go on? He and the noble earl saw this whole question through a very different medium; for, when he contemplated the whole subject of libel, under existing circumstances, and compared it with the state of libel at any former period in this country, he felt justified in saying, that such an evil never existed before. He admitted that, in all parts of their history, instances might be found of scandalous

libels having been published by individuals. But two or three questions were connected with this subject. They must look not only to the nature of the libel which the libeller wrote, but they must also consider the effect it had, or was likely to have, on those to whom it was addressed. Of late years, circumstances which tended to raise the country to the height of prosperity and glory had occurred; but those circumstances, though highly beneficial, had also brought certain evils along with them. A greater extension of liberty than was ever before known in any part of the world, had grown with the increase of knowledge. Let the House consider what was the state of parliament fifty or sixty years ago. It might not, perhaps, be exactly regular to notice the circumstance then, but perhaps he would be permitted to observe, as it formed a very strong ground of argument, that at the period he alluded to, the doors of parliament were shut against the people, and the public did not know what was passing within their walls. What was the case now? The public were every day made acquainted with what parliament was doing, and their deliberations were made the subject of open comment—to such a degree, and to such an extent, as in some measure to influence those deliberations. Let them look to the state of the press at the remote period to which he had referred. He was now speaking practically; and he believed it would be admitted, that the great means of acquiring information and knowledge, amongst the mass of the people, were to be found in periodical publications, which were produced daily, weekly, or monthly. On a former day, when this question was under discussion, he had said, "that, for aught he knew, there might be libels in Gibbons' History of the Decline and Fall of the Roman Empire" but that, if there were, no danger was to be apprehended from them." The case was, however, very different with respect to those periodical publications. Let the House compare their increase at the present day with their number fifty, forty, thirty twenty, or even ten years ago, and they would discover that it was most enormous. When he saw cheap tracts circulated for half-pence and farthings throughout the country, applying themselves to the worst and most dangerous passions of the people; when he remarked the decidedly licentious conduct of the press, and saw the number of libels which it daily sent forth, he could not help thinking that no fair comparison could be drawn between the state of things now, and what it was thirty or forty years ago. When he looked to this important subject—when he dissected and examined it in all its bearings, he considered the prosecution of libels, at the period he had mentioned, to have been almost unnecessary, for the evil at that time must be considered as nothing when compared with the state of things which at present existed, under the circumstances that he had detailed. But the noble earl seemed to imagine because the people of this country were a religious people, they could never be polluted by such publications. He was not ready to concede that point. They had witnessed the French revolution, and had seen the evil effect which irreligious publications had had in that country. But, said the noble earl, no public man, looking for popular favour, would attain his object by the dissemination of blasphemous publications. That might be the case now, but how long would it remain so, if they allowed such an unnatural state of things to continue? It was not on the mere narrow view of liberty or slavery that he considered this question; but this he would say, that if he was asked what was the most likely thing to introduce despotism into England, he would answer, "the success of the machinations of those who disseminated these publications." What, he asked, would be their effect? That effect had been well described by the noble lord (the son of a man for whom he had ever entertained the greatest respect) to be, the taking away from all men, dignity and morality in life, and depriving them of hope and consolation in death. Such a system went to brutalize the human mind. Why were the men who made the most conspicuous figure during the reign of terror in the French revolution, worse than those who appeared in the civil war in this country? Because amongst the latter there was ever a sense of religion; at all events, if they did not cherish it in their hearts, they were obliged to feign a respect for it. That would in any shape, or at any time, be some check on the actions of men. But the French revolution was produced by men who had no religion, and who proudly boasted that they had none—men who blasphemed their God and reviled every thing that was sacred. This was all attributed to the expansion of universal benevolence. But what was the

effect of this horrible system? It brutalized the minds of the French nation—it deluged their country in blood—and produced scenes that filled the soul with horror. He, therefore, was not one of those who looked to these preservative measures—for so he would call them,—as calculated to lead to despotism. He would again assert, that, if ever this country arrived at such a melancholy situation, it would be effected by brutalizing the feelings of the people, by driving from their minds all those principles of morality and religion by which the state was upheld, and the absence of which must produce disorders and tumults that would inevitably end in the ruin of all that was dear to them as men and christians. He therefore thought that the whole question, both with respect to this and the other bills, turned on this point—whether the description of the disorders which prevailed in the country was false. If it was the remedy of those imaginary evils must fall to the ground; but if it was true, then no man could contemplate it without feeling a strong desire for the enactment of measures that might correct so alarming a state of things.—He now came to the question of the principle of the bill before the House, as this was the stage to consider its principle. The bill, then, proceeded on an idea that the law as it at present stood was not sufficient of itself to repress blasphemous and seditious libels, and it therefore enacted more severe penalties. It introduced a new kind of punishment for the offence, by subjecting the offender, on a second conviction, to banishment or transportation at the discretion of the judge. The noble earl had strongly objected to the discretionary power to judges; and he concurred with him so far as to admit, that when possible law ought to be so precise as to allow no discretion in the court by which it was administered. But in the case of libel this discretion had always existed. His noble and learned friend on the woolsack had shown that the judges always exercised in such cases a discretionary power, and that not long ago that discretion was more extensive than it would be made by the present bill. It had been said by the noble earl, that a seditious libel was an indefinite offence. He agreed that it was, and on that description founded the justification of the discretionary power intrusted to the judges. But the noble earl had mistaken his noble and learned friend on the woolsack. His noble and learned friend had not contended for larger discretionary powers in courts of justice; he had only mentioned that formerly, before the abolition of the ignominious punishment of the pillory in cases of misdemeanor, the punishment to which seditious libels were subjected was more revolting than that now proposed. A judge could at that time award fine to any amount, imprisonment to any duration, and, in addition to both, the punishment of the pillory. The latter was abolished by a bill introduced into the other House by an hon. and learned gentleman; and when it was brought to this House, he (lord Liverpool) concurred in its provisions, with an amendment which he proposed, and which was carried, still continuing the punishment of the pillory in cases of convictions for perjury. In that state it passed the House, and became a law. But how stood the case of a man convicted of libel before this bill was passed? He might not only be fined and imprisoned, but, in addition, be put in the pillory, and that not only for a seditious and blasphemous libel, but for any libel, and that, too, for the first offence; yet, when such a severe law existed, there were no complaints uttered that the liberty of the press was destroyed—that no freedom of publication existed. In his idea, the pillory was a very unappropriate punishment for libel; but was it on this account never inflicted? Yes, it was. He had himself seen a person punished with pillory for a libel. The law therefore awarded a more degrading punishment at that time than was proposed by the present bill, whose severity was so much complained of. The noble earl had adverted to former times, and had said that in those times, even when the country was in the greatest danger of civil commotion, laws were passed, not contracting but extending the liberty of the subject. The noble earl had particularly referred to the reign of William 3rd. Did the noble earl recollect how frequently the Habeas Corpus act was suspended in that reign. He (lord Liverpool) allowed that a very important statute respecting treason had been adopted in that reign by the legislature. He would not enter into any detailed investigation of the circumstances which led to that proceeding. But it was well known that the complicated and intricate occurrences of those days, rendered it very intelligible why the different

parties into which the kingdom was divided, were desirous that such a favourable law should pass. The fact was, that every age had its own dangers, and that every age must meet them with its own remedy. Whatever might be the dangers in the time of William, they were very different from those at present existing. At that period, the contest related to a sovereign with a disputed title to the throne; at present, the contest was of a very different character and principle. But he had already stated to their lordships in what he considered the present danger to exist; and he left it to them to determine whether the measure under their consideration was not indispensable to avert it. —In the course of the debate much had been said of the way in which it was probable the bill would operate on juries. He assured the House that he was always disposed to speak with great caution and reserve and respect, of the decisions of juries; at the same time, he could not admit that, of the decisions of the juries, which he was not prepared to admit, of the decisions of their lordships, or of the House of Commons. He could not admit that they were infallible: twelve men, however honest, might possibly be influenced by prejudice or passion; and he could not admit, that if in the fair estimate of an honourable man's mind, he came to a decision different from that of a jury, that he was precluded from saying so. He would not enter into the circumstances of the acquittal which had that night been alluded to: he would not pronounce it to be right or wrong. But this he would say — that, whether right or wrong, it materially aggravated the existing evil. That evil, however, would not have been so great as it proved to be, had it not been followed up by subscriptions, to which, he was sorry to say, some very respectable persons were induced (by motives which he could not pretend to fathom) to contribute. To him this appeared to be a seriously unwarrantable transaction.—To revert, however, to the subject immediately before their lordships. His opinion was, that if the proposed bill was adopted by the legislature, it would have a great effect—not in preventing people from writing or publishing libels — for a much severer punishment than that which the bill contemplated, would not have that effect—but in making persons feel that a second offence might subject them to a severe punishment, and by rendering them consequently cautious.—When noble lords talked of their apprehension of arbitrary power, they should consider how much of late years the constituted authorities of the country had lost in respect. By some this had been attributed to what was called the corruption of the House of Commons. But could those who said so seriously consider such a cause as adequate to the production of such an effect? Let their lordships look at the bench of justice. All parties united in admiration of the conduct of the judges. From the accession of the present family to the throne, the judges, with perhaps not a single exception, had all proved themselves to be men of honourable and independent minds. So they were universally held to be at present. But did not their lordships observe the anti-judicial spirit that prevailed? Did they not observe, not only in the person brought before the highest tribunals for the most dangerous crimes, but in the audience, a special defiance of the jurisdiction of the country? Was that to be ascribed to the corruption of the House of Commons? Had that its root in the misconduct of ministers? Did it even proceed from compassion to the individual, in whose conduct no circumstance of aggravation was wanting? Who could observe that species of defiance of law and authority, and not say, that over that law and that authority it was the duty of parliament to throw a shield? Under all these circumstances, he was persuaded that, although discretion should be avoided if unnecessary, it was in the case of such a serious offence as that in question, but fair, just, equitable and expedient to vest a certain discretion in the courts of justice;—a discretion which there could be no apprehension would be abused; and which might enable those courts, in particular instances, to adopt proceedings eminently conducive to the public good.

The Earl of *Carnarvon* said, that the whole system of measures now proposed to parliament, appeared to him uncalled for and unjustifiable in the present state of their lordships information. The ministers of the Crown had told the House, that distress was the cause of the present danger, and that they expected that that distress would be merely temporary; but they were to meet that temporary danger and distress, by permanent restrictions upon liberty. His objection to them was, that the ministers of the Crown did not

meet the difficulties of the country with appropriate remedies. When they called for new powers, they ought to have shown that they required them to answer the emergency. If they had dreaded to disclose their information, they might have said so, and called for the temporary confidence of parliament. If they had come down to that House, and stated upon their honour, that they had information which made measures of safety necessary, without being able fully to disclose that information, he would have been the first to grant them those powers; but he would not agree to alter permanently the constitution of the country on such facts and allegations as appeared in the papers on the table. To the present bill, as a permanent measure, he could not give his sanction, and he would move in the committee, that it be restricted to a short period. The law of libel was indefinite; any thing might be considered a seditious libel which included a censure, not legal, on the character and conduct of the servants of the Crown; and every such censure was not legal, except when uttered in his place by a member of either House. A letter put into the post-office, reflecting upon the conduct of ministers, and given up to the public prosecutor, might be considered a seditious libel; and, on a second conviction for a similar letter, the author would render himself liable to transportation. Was this a punishment suitable to such an offence or such an offender? Did not this law, therefore, destroy a great portion of our liberties, and, if rendered permanent, would their lordships not be accused of delivering the constitution impaired to their posterity? Nay, even a speech spoken in parliament, and reported to the world, might be construed into a libel, and the publisher, on conviction for a second offence, might be transported to Botany Bay. Would not this stop all discussion on the conduct of government, and prevent any strictures on the characters or measures of ministers, both in and out of parliament? For several years government had allowed seditious and blasphemous libels to pass with impunity. They had not put in force the existing law against them; and, having been guilty of this remissness, they suddenly called upon parliament to furnish the means of punishing libels with tenfold severity. He must vote against the present bill, although he was not, in principle, opposed to all the measures that had been introduced, some of which, at least, if enacted for a time, might be very expedient. But, affecting, as this measure did, that most valuable privilege, the liberty of the press, it should meet with his decided opposition.

The Earl of *Blessington* said, that before ministers visited seditious libels with such severity, they should define what seditious libels were. A noble lord had said, that any person who gave an opinion against the conduct of ministers, lent his weight to the disaffected. A peer of parliament, according to this doctrine, in discharging his duty, and fairly stating his sentiments, might, by the present bill, render himself liable to transportation. Until, therefore, he heard that it was not intended to be a permanent measure, it must have his decided opposition; and, until he heard from the noble secretary of state propositions for conciliating the people as well as coercing them, he must oppose all the measures that had been recommended by government. Anxious as he was to see the Prince Regent enthroned, as he deserved to be, in the hearts of the subject, he must again and again vote for an inquiry into the state of the country; in the hope, that at last, parliament would show the country, not only that they would protect the just rights of his majesty's peaceable subjects, but that by soothing measures (which alone ought, in his opinion, to be adopted) they would silence the general expression of discontent.

The Duke of *Sussex* begged to be allowed to make a few observations, in consequence of what had fallen from a noble earl on the subject of the education of the lower orders of society. He was quite sure that the noble earl did not mean any personal imputation. But, being so much concerned as he was with others, in the superintendence of the education of the poor, he felt himself called upon to defend the system of schools which had been assailed—namely, the Lancasterian system. It was a system founded on the strictest principle of religion and morality. He could vouch for one particular fact, namely, that although children of different sects were admitted into the Lancasterian schools, every Monday morning they were examined to ascertain whether or not they had been to some place of worship or other; and when it was found that that had been neglected three times, the child was dis-

missed. There could be no doubt that these institutions led to the increase of knowledge; and that, in fact, knowledge among the lower orders was increasing ten-fold, aye, a hundred-fold, every year. He had already told his majesty's ministers that he agreed to a part of their propositions. As to that under their lordships consideration, he protested against it *in toto*. He would tell them openly, candidly, and manfully, why. On an examination of the papers on the table, he saw that ministers were not ignorant of the state of the country, when parliament was prorogued in July last. If so, he put it to their lordships, whether it was consistent with the public tranquillity to allow them to separate? Referring also, to the various public libels which for so many years had remained unprosecuted, he maintained that ministers had not proved that they had made any one attempt to punish a libeller which had not succeeded. Until he was convinced that they had undertaken all they might have undertaken, he would resist additional powers. If the present grievance was attributable to the neglect of government, in the use of the powers already in their possession, he was the last man who would encourage neglect by granting an increase of power. He had stated his opinion on the present as he had done on other questions, with deference, and he trusted with the courtesy which was due from one nobleman to another.

The bill was then read a second time.

PROTEST AGAINST THE SECOND READING OF THE BLASPHEMOUS LIBEL BILL.] The following Protest was entered on the Journals:

"Dissentient,

"Because we believe, that by a seasonable exertion of the laws, as they at present exist, the Press cannot be abused to any bad purpose, without incurring a suitable punishment.

"Because any extension of the power of punishment now vested in the Courts of Law, with respect to cases of Libel, appears to us, therefore, to be unnecessary.

"Because the offence of publishing a Libel is, more than any other that is known to our law, undefined and uncertain. Publications which at one time may be considered innocent and even laudable, may at another, according to circumstances, and the different views of Public Accusers, of Judges and of Juries, be thought deserving of punishment; and thus the author or publisher of any writing, dictated by the purest intentions, on a matter of public interest, without any example to warn, any definition to instruct, or any authority to guide him, may expose himself to the penalty of being "banished from the United Kingdom, and all other parts of his Majesty's dominions, for such term as the Court, in which such conviction shall take place, shall order; or be transported to such place as shall be appointed by his Majesty for the transportation of offenders, for any term not exceeding seven years."

"Because the fear of being subjected to the punishment of a common felon, thus suspended over the head of any person who may have been once convicted of publishing a libel, to which mere inadvertence may subject him, and against which no degree of caution can afford him complete security, must necessarily deter him from the fearless exercise of the right, which has hitherto been the proud prerogative of Englishmen, of freely discussing public measures, and endeavouring to warn his countrymen against the dangerous encroachments of power.

"Because this Bill, therefore, so inconsistent with the policy of our law, and with the practice of our ancestors, appears to us to be a most dangerous invasion of the just freedom of the Press, and to be subversive, in one of their main defences, of the rights, and liberties which were secured to us by progressive struggles through a long succession of ages, and at length asserted, declared, and as we had fondly hoped, firmly established for ever, by the Revolution of 1688.

(Signed)

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|---|---|
| GREY. | JERSEY. |
| AUGUSTUS FREDERICK. | MINTO. |
| ERSKINE. | YARBOROUGH. |
| THANET. | LANSDOWNE. |
| ALBEMARLE. | COWPER. |
| KING. | LAUDERDALE. |
| AUCKLAND. | ROSSLYN. |
| VASSALL HOLLAND. | CLIFTON (DARNLEY). |

SEIZURE OF ARMS BILL.] The bill went through a committee. On the question, that the report be received,

Earl *Grey* rose to express his sentiments upon the bill. He objected to it not only as it stood part of an obnoxious system, but as being in itself uncalled for and dangerous. It conferred upon the magistrate a power of breaking open houses by night or by day—a power which was liable to great abuse, and which might be dangerous in the execution of the means employed to carry it into effect, while it would be perfectly inefficient for the purpose for which it was intended. He objected to it likewise in principle. It was a principle of the law of England, asserted and declared in the Bill of Rights, that every man was entitled to the possession of his arms, not only for defence against the assassin or the midnight robber, but to enforce his constitutional right of resistance to oppression, if deprived of the benefit of the laws. He was anxious to express this constitutional view, as that right had been asserted and recognized at the period of the Revolution, and had been too much lost sight of since. He could not, therefore, surrender it, without the most urgent necessity; and he saw no grounds of necessity established. It had, indeed, been said, that arms had been provided for the purposes of insurrection and rebellion; but the papers on the table, which contained the only information on which he could proceed, stated nothing precise or satisfactory on the subject. Where any thing specific was stated, he found that it related to a few pikes, which had been fabricated at the desire of the persons who gave the information. On such a ground he could not surrender an essential right of Englishmen. But the scanty statements contained in the papers had been attempted to be completed by the accounts that were heard in the House. Arms, to an extraordinary extent, were said to be made and distributed in the part of the country with which he was connected; and a near and dear relative of his, it was added, had been obliged to leave his home from the fear of an armed insurrection, and to retire with his family to Newcastle, as a place of safety. That his relative had left his home he could not deny; whether from a misconceived alarm, would best appear from what he had to state. His relative had since written him a letter in which he said that the alarm was false; that the reports of the state of the country were exaggerated; but that he did not feel himself justified in neglecting to take the step that he had taken from affection to his family, whose wishes he was obliged to consult. That the principles of reform were widely diffused in that country, he could not deny: that the Radical Reformers were numerous, he believed; that their attempts to carry Radical Reform into execution would be zealous, he likewise believed; and that they had divided themselves, as had been represented, into different sections, for the purpose of receiving information and communicating with each other, was also true. The numbers were differently stated; but that they were very numerous, was a fact from which he could not withhold his belief. Admitting all this, however, he was prepared to say that much exaggeration had prevailed on the subject. The House had been told that a meeting took place at Newcastle, which was attended by 30,000 people; but the whole population of the place did not consist of more than 28,000. Allowing for the numbers that came from Shields and other places, he had been informed, that not more than 7,000 or 8,000 attended the meeting, and that they dispersed without the least disturbance. The noble duke (of Northumberland) had spoken much about arms the other day. Now with respect to arms, it ought to be recollected, that great numbers of people in the neighbourhood of Newcastle, possessed arms, without any reference to the purposes of insurrection; that many of them had received them during the war, and had retained them afterwards. But that any arms had been made for present purposes he was enabled to deny. With respect to the number of men prepared for insurrection, it had been said by a noble duke, that 100,000 were ready to rise in arms between the Weir and the Tyne; but the whole population of Northumberland and Durham would not furnish 100,000 adult males. This was a proof of the great exaggerations that had gone abroad. He did not wish to deceive their lordships; he believed that reform was demanded by a great body of the people—not by the poor and the distressed alone, but by the middle classes of society, possessed of competence, disposed to industry, and capable of discussing public measures. He would entreat their lordships, therefore, to consider, whether measures similar to the present were likely

these designs; nay, during two formidable rebellions in 1715 and 1745, no such power was granted to the crown; yet the new line of succession was defended, and our free constitution successfully maintained against all these dangers. The principles of the Revolution had been too firmly imprinted in the hearts and minds of our ancestors, to allow them, on the spur of any emergency, however alarming, to hazard the existence of a right which they had so recently asserted.

"Because this law is, in its very nature, peculiarly liable to abuse. Interest, credulity, malevolence, revenge, party violence, and indiscreet zeal, may, equally with a sense of duty, contribute to call it into action; and the powers given for its execution, of breaking, either by day or night, into any house or place where information may have been received that arms are kept for illegal purposes, must unavoidably expose the persons and property of his majesty's subjects to injury and violence, which cannot be sufficiently guarded against by the provisions made in the bill for that purpose. This is not a mere apprehension. Experience proves that such effects may be expected from it. In Ireland, it is well known, nothing more contributed to irritate the people, and to provoke acts of private resentment and revenge, than the abuses which took place, and particularly the insults which were offered to women, in the exercise of a similar power.

"Because we further object to the enactments of this law, as part of a system which, in a season of unexampled distress and misery, rejecting every proposition for conciliation or concession, rests on force alone for the suppression of the prevailing discontents, and is calculated to give additional weight to an opinion, already too generally entertained, that parliament is more ready to presume against the people, and to enact laws for their restraint, than to attend to their just complaints, and to afford them that protection which they have a right to claim against every species of injustice and oppression.

(Signed)

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| GREY. | WENTWORTH-FITZWILLIAM. |
| THANET. | YARBOROUGH. |
| ERSKINE. | AUGUSTUS FREDERICK. |
| ALBEMARLE. | COWPER. |
| KING. | ROSLYN. |
| VASSALL HOLLAND. | |

## HOUSE OF COMMONS.

*Monday, December 6.*

COVENTRY MEETING—PETITION OF MR. LEWIS RELATIVE THERETO.] Mr. *Peter Moore*, presented a petition from Mr. W. G. Lewis, of Coventry, complaining of the interruption which had been recently given to a public meeting held in that town. The petition stated that a requisition, signed by six or seven hundred resident householders of Coventry, had been presented to the magistrates, desiring them to convene a public meeting for the purpose of taking into consideration the melancholy events which had occurred at Manchester. The mayor objected to the manner in which the requisition was worded, and refused to call a meeting for such a purpose. In consequence of this refusal, the requisitionists called a meeting on their own authority, and the mayor then objected to the place. Determined to avoid giving the constituted authorities any just ground of reproach, the requisitionists changed the place on which they originally intended to have held their meeting, to a green at some distance from the town, whereby they deemed it impossible for them to disturb the peace of the town. After all this caution had been exhibited on their part, they had not the slightest anticipation that any attempt would be made to interrupt their proceedings; but, to their great surprise, in the midst of them, a body of constables burst in, and endeavoured to destroy the harmony of the meeting. It appeared that the constables were not authorized by the mayor to make this interruption, but were merely sworn in to act if necessary. The hon. member said, he was at a loss to conceive why it was thought necessary to interrupt this legal meeting of the people. No doubt could be entertained of the loyal and orderly conduct of the people of Coventry. He had, in the course of the last session, occasion to present to the House a certificate from the mayor and magistrates of Coventry, bearing their testimony to the loyalty of the inhabitants. The petition, he said, prayed for an inquiry into the causes of the dispersion of that meeting, but after an inquiry had been refused in the case of Manchester, he had little hopes of having it granted in this.

Ordered to lie on the table, and to be printed.

respect to what had been said of the state of the country between Newcastle and Carlisle, he could give no opinion, as he was not so well acquainted with that part of the country. No doubt the noble duke who had made that statement would explain it. He trusted their lordships would believe, that in the part which he took on this occasion, he was actuated by no other motives than a sincere feeling for the state of the country. His sole wish was to co-operate with those who exerted themselves for the safety of the state. God forbid that, to use the words of the poet, it should be said, "Si mens non leva fuissit Anglia nunc stares."

The Duke of *Northumberland* had been informed by those who were convinced of the fact, that there were 100,000 men ready to act between Newcastle and Carlisle, and that arms to a considerable extent had been purchased by different individuals.

Earl *Grey* said, in explanation, that there was no man who had a greater objection to the radicals than he had, but yet he must have regular proof before he could believe that there was any dangerous plan afloat to subvert the constitution of the country.

The Earl of *Darnley* said, that during the discussion of the bill, he had more than once expressed his dissent from the clause which authorised the searching for arms "by night." He had admitted, that in the present state of the country, some measures of security were necessary, but he must still protest against the clause, and he thought he was so well understood by their lordships, that when the clause to which he alluded was read, his amendment that it should be expunged would have been discussed. It was with surprise he now heard all the proposed alterations gone through, but still the clause to which he alluded remained part of the bill. He would not undertake to say, that the clause had been read distinctly, but it certainly was not read with an audible voice; At least he did not hear it. He should therefore now press his previously intended amendment, that the clause authorising search for arms by night be omitted.

Lord *Sidmouth* said, that the noble lord was mistaken as to the manner in which the bill had been read. It had been done in an audible voice, and seemed to have been perfectly understood by their lordships. The amendment of the noble lord could not be pressed now, the bill having been already perfected in its present stage. The noble lord, however, might move his amendment on the third reading to-morrow.

The *Lord Chancellor* said, that as far as he could judge, the clause to which the noble lord alluded, had been read in an audible voice. His lordship, however, had still the opportunity left him that was suggested by the noble secretary of state, of moving his amendment upon another occasion.

The report was then agreed to.

Protest against the Seizure of Arms Bill.] The following Protest against the bill was entered on the Journals:

"Dissentient,

"Because the right of having arms for their defence, suitable to their condition and degree, is secured to British subjects by the ancient laws of these realms, is declared to be so by the Bill of Rights, and is, in the words of Mr. Justice Blackstone, "a public allowance of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression.

"Because no sufficient evidence has been laid before the House to prove 'that arms and weapons of various sorts have in various parts of the kingdom been 'collected, and are kept for purposes dan-'gerous to the public peace.' We doubt the fact, and we distrust the remedy. If arms have really been procured for such illegal purposes, the persons engaged in these criminal designs, will have had ample notice, before this bill can pass, to remove them to places of concealment. Whilst this power, therefore, is likely to be in a great degree inefficient with respect to its professed object, it is liable to be most imperiously and vexatiously used, in cases where arms may have been provided and kept for the legitimate purposes of self-defence.

"Because in former periods of much greater danger to the crown and constitution of these realms, when conspiracies by the adherents of the house of Stuart were known to be directed against both; when preparations were making for rebellion with the assistance of France; when men of the highest rank, station, and influence in both kingdoms were deeply engaged in

untainted with their doctrines? And, considering the delay which would be necessarily incurred in gaining a proclamation of the council, would it be right to give them so much time during which they might circulate their notions with impunity? He, therefore, thought that the House would not be consulting either the interest, security, or tranquillity of the country, if they did not give to this bill a general operation. As to the policy of rendering this measure one of temporary duration, he had previously stated to the House his impression; and he was now, on further reflection, convinced of the propriety of it, because it was expedient to deprive all future meetings of the tumultuous and menacing character which they at present possessed. He had, however, no objection to pass this bill under restrictions similar to those which the House had adopted upon former occasions. When the Grenville act was passed for the decision of controverted elections, parliament was fully aware of the necessity which existed for enacting some permanent law on that subject; it did not, however, at once determine that the Grenville act should be that law, but passed it for seven years, in order that the country might have full experience of its efficacy before it was entered as a permanent act upon the statute-book. It was to such a view of the question that he had now bent his judgment. A right hon. gentleman opposite had said, that he should certainly move, that this measure should only be of temporary duration.

Mr. *Tierney* begged leave to correct the noble lord. He had only said, that he would make a motion to that effect, if no other member in the House was found willing to do it.

Lord *Castlereagh* trusted, that if either the right hon. gentleman or any other hon. member proposed an amendment to that effect, they would not limit the duration of the measure in question to too short a time; for he could assure them, that nothing would, in his opinion, be more prejudicial to the safety of the country, than to pass such a bill for an inadequate period. At the same time he would candidly inform them, that if the period which they proposed appeared to him sufficiently long, he would not object to their amendment. What he conceived ought to be the shortest period was five years, and to the end of the session of parliament ensuing immediately after their expiration. If, therefore, they should propose that period, he would acquiesce in the proposal; if they fixed on a shorter period, he should as certainly oppose it. At all events, it was his determination to take the sense of the House on the propriety of rendering the measure of a general nature; neither should he submit to limiting its duration to a less period than five years, unless he was compelled to do so by finding a majority of the House entertaining a different opinion from his own. He then moved, that the bill should be re-committed.

Colonel *Beaumont* maintained, that a measure of this nature ought not to be passed for so long a period as five years, but from one session to six weeks after the commencement of the ensuing session, till the danger which called for it ceased to exist. The hon. member was proceeding, when he was called to order by

The *Speaker*, who informed him, that if he had any alteration to propose in the bill, it must be either done in the committee, or by a mandatory instruction of the House to the committee, to take such alteration into their consideration.

Mr. *Tierney* thought that the most solemn course which the House could adopt would be to give mandatory instructions to the committee to limit the duration of the measure either to five years, or any other period which they might think proper to appoint.

Lord *Castlereagh* said, that if the instructions to the committee were of a general nature, he should not oppose them: if they were specific, he should oppose, or amend, or agree to them, as he should think good, after they were proposed to the House.

Mr. *Curwen* said, it was now clear to the House, that the noble lord found the bill itself so faulty, that he was obliged to propose very material alterations in it. He hoped the noble lord would proceed in the same way, and would make alterations still more important. He did not think the measure was called for by the state of the public mind; he did not think the power or the influence of those who called themselves the leaders of the radical reformers, was at all of the nature that had been represented; he acknowledged, however, that it was both important and desirable that those persons should be put down; they should not exist in a well-regulated government. He would gladly

Reform in Parliament.] Mr. *Lambton* rose to inform the House, that it was his intention, immediately after the Christmas recess, to bring the state of the representation under their notice. In order to explain the object which he had in view, he thought fit to state, that he should then move for leave to bring in a bill for the repeal of the Septennial act, and for the making of parliaments shorter and more frequent. At the same time he should propose the extension of the right of suffrage to all copyholders and householders paying direct taxes, and also the destruction of what were generally called the rotten-boroughs. In bringing the subject of parliamentary reform before the House, it might, perhaps, be requisite that he should explain his motives: he, therefore, made no hesitation in saying, that he did it because he deemed it a subject in which all classes of his majesty's subjects, and particularly the middling and lower classes, were most deeply interested; and because he firmly believed that the compliance of the House with the feelings of the people on it, would tend more than any other measure to alleviate the present disturbances, at the result of which, if they were to be permanent, no man could look for a moment without experiencing the profoundest horror.

Seditious Meetings Prevention Bill.] Lord *Castlereagh*, on moving the order of the day for the recommitment of this bill, thought it requisite to state to the House, before it went into the committee, certain alterations which he had made in the bill, and which he conceived might vary the opinions which certain hon. gentlemen had formed upon it. The necessity of the first alteration which he should mention to them was suggested by the consideration that the bill, as at present constituted, would affect certain meetings which were now held, and which had no relation whatever to either church or state. As the scope and object of this bill was not to suppress discussion, but merely to put down those large and tumultuous meetings which had of late so frequently menaced the public tranquillity, he had excepted from the operation of it the meetings held by the different trades, in order to consider any public matter of grievance affecting their interests. He had once thought of limiting the numbers attending such meetings; but as there was nothing on which it was so difficult to legislate as numbers, he should, instead of making any fixed number, as 300, the limit beyond which it would be improper to pass, say, that all their meetings that were held in private rooms and not in the open air were untouched by the present bill. With regard to that part of the bill which rendered it a misdemeanor for any person to attend a meeting who was not a freeholder, householder, or inhabitant of the district in which the meeting was held, it had been suggested to him, that a person might be accidentally there, and thus violate the law without intending it; he, therefore, submitted to the House, whether it would not be enough to make this clause apply only to those who wilfully and knowingly attended such meetings, and who refused to depart, after the proclamation for strangers to disperse had been read by the magistrates. Another case had also been put to him, that strangers might be purposely sent there; were they to be excepted from this act? By no means; if they remained after proclamation made, the parishioners might constitute themselves into constables, and carry before a police magistrate any person so staying there. It had also been thrown out, that persons having property in one parish, and yet residing in another, should be allowed to attend at the meetings of those parishes in which they had property: he had no objection to such a proposal, and therefore would allow them to attend, if their freehold reached a certain stipulated amount, and had been in their possession a certain stipulated time. He had now stated the principal alterations which were to be made in the bill, and would not detain the House any longer, than to say a few words on what had fallen from hon. members opposite, namely—that it ought to be a local and temporary measure. If it was to be made local and temporary, it would be better to entitle it a bill for propagating tumult and sedition; for if it were confined to certain counties, and was not to be extended beyond them, without either a proclamation of the council, or a recommendation of the lord-lieutenant and magistracy, could any person, who had viewed how little the radicals and their itinerant orators thought of marching twenty or five-and-twenty miles, doubt for a moment that they would transfer their meetings from the counties included in the act, to counties which were ye

untainted with their doctrines? And, considering the delay which would be necessarily incurred in gaining a proclamation of the council, would it be right to give them so much time during which they might circulate their notions with impunity? He, therefore, thought that the House would not be consulting either the interest, security, or tranquillity of the country, if they did not give to this bill a general operation. As to the policy of rendering this measure one of temporary duration, he had previously stated to the House his impression; and he was now, on further reflection, convinced of the propriety of it, because it was expedient to deprive all future meetings of the tumultuous and menacing character which they at present possessed. He had, however, no objection to pass this bill under restrictions similar to those which the House had adopted upon former occasions. When the Grenville act was passed for the decision of controverted elections, parliament was fully aware of the necessity which existed for enacting some permanent law on that subject; it did not, however, at once determine that the Grenville act should be that law, but passed it for seven years, in order that the country might have full experience of its efficacy before it was entered as a permanent act upon the statute-book. It was to such a view of the question that he had now bent his judgment. A right hon. gentleman opposite had said, that he should certainly move, that this measure should only be of temporary duration.

Mr. *Tierney* begged leave to correct the noble lord. He had only said, that he would make a motion to that effect, if no other member in the House was found willing to do it.

Lord *Castlereagh* trusted, that if either the right hon. gentleman or any other hon. member proposed an amendment to that effect, they would not limit the duration of the measure in question to too short a time; for he could assure them, that nothing would, in his opinion, be more prejudicial to the safety of the country, than to pass such a bill for an inadequate period. At the same time he would candidly inform them, that if the period which they proposed appeared to him sufficiently long, he would not object to their amendment. What he conceived ought to be the shortest period was five years, and to the end of the session of parliament ensuing immediately after their expiration. If, therefore, they should propose that period, he would acquiesce in the proposal; if they fixed on a shorter period, he should as certainly oppose it. At all events, it was his determination to take the sense of the House on the propriety of rendering the measure of a general nature; neither should he submit to limiting its duration to a less period than five years, unless he was compelled to do so by finding a majority of the House entertaining a different opinion from his own. He then moved, that the bill should be re-committed.

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Lord *Castlereagh* said, that if the instructions to the committee were of a general nature, he should not oppose them: if they were specific, he should oppose, or amend, or agree to them, as he should think good, after they were proposed to the House.

Mr. *Curwen* said, it was now clear to the House, that the noble lord found the bill itself so faulty, that he was obliged to propose very material alterations in it. He hoped the noble lord would proceed in the same way, and would make alterations still more important. He did not think the measure was called for by the state of the public mind; he did not think the power or the influence of those who called themselves the leaders of the radical reformers, was at all of the nature that had been represented; he acknowledged, however, that it was both important and desirable that those persons should be put down; they should not exist in a well-regulated government. He would gladly

lend his support to measures for their suppression. The bill before them would not effect that object—it would not put down the radicals; it would not accomplish the objects it had in view. He was convinced that if the noble lord had expressed in that House a favourable opinion of reform, the radical leaders, who were objects of contempt and abhorrence, would feel most affected and distressed at that declaration. The noble lord had admitted that the great body of the people were sound in their principles; why, then, should he innovate on the rights of the whole people—why should he introduce a measure which went to impair the constitution? This, he feared, was but the beginning of a system which might be carried further, to the injury and misfortune of the country. Why did not the noble lord apply those measures, which, under alarming circumstances, were found effective in other parts of the empire? In Ireland the Insurrection act gave power to the magistrates to prevent all meetings; he thought such an act preferable to the present measure. The noble lord had stated, on a former occasion, that he was anxious to conciliate the country. If he was sincere, he had now the opportunity; but that object was to be gained by measures far different from those which ministers pursued. He could not but complain of an attempt made by gentlemen from the treasury bench to implicate the opposition side of the House with the radicals. Such conduct he considered extremely unparliamentary and unfair. He could not but disapprove of the conduct of the right hon. member for Liverpool, not now in his place. He had made exaggerated statements of the public situation, which he (Mr. Curwen) could not agree to. As to the conduct of the magistrates of Manchester, he never did believe they had been guilty of the great cruelties imputed to them; but he did believe they had been guilty of great rashness and indiscretion. The noble lord had spoken the other night of the jealousy and discontent of the disaffected, and of the leaders of the reformers; but did he think that jealousy and discontent were confined to these? He could assure the noble lord, that a great proportion of the people—of the loyal and respectable people—were extremely jealous of the measures of ministers—that they doubt very much of the noble lord's veneration for the constitution, or regard for the liberties of the people. The noble lord could not doubt but that this was the real feeling of the country. Those measures had sunk deep into the public heart. Many late measures, indeed, had disgusted the country; particularly, he would say, the act of Indemnity which had passed that House—an act which was opposed to the principles of justice—which deprived individuals of redress, whose liberties and whose fortunes were invaded, and who were deprived of all means of vindicating their innocence, if they were innocent. He disliked, he said, the principle of the present bill; yet if it were limited to one year, he would support it. He would wish for a measure more intelligible—he would prefer a bill similar to the Irish Insurrection act, which would give power to the magistrates to prevent all meetings, if they thought necessary. He would give them that power for a limited time; because no one who knew the magistrates of this country could suppose that they would exercise that power unjustly. He repeated, that the danger of government was not most to be apprehended from visionary men—there was a danger of greater magnitude. The best informed, the most respectable were of opinion, that there was a power operating on that House, which did not make it the provident and faithful guardian of the public purse. They desired reform—it was expected speedily—and if the House did not grant it, he feared it would be reformed in a manner which no rational or moderate man would wish. He should lament to see any reform which would go to overturn the constitution. Distress was one of the great sources of the public discontent—distress created by taxation. This distress, no bill, no measure of coercion, would mitigate. It was impossible to continue their manufactures to the extent that they had been carried on. They should look to other sources of prosperity, besides the sources of foreign markets. When he heard the assertion of the noble lord, with respect to the distress of this country as originating from the distress of America, he was astonished. He was satisfied the noble lord would not assert what he did not think was true, but it only proved that the noble lord had not paid that attention to the real situation of the country which he ought to have paid when he made that statement. We had practised on foreign countries an unmixed system of monopoly; but they

would now practise that system against us which we had practised against them. As an evidence of this disposition, he would mention, that when government laid a duty on rape seed, the Dutch imposed a duty on rape cake, which prevented its importation into this country. If the noble lord would look into the real situation of the country, he would find that her whole resources did not exceed three hundred millions, whilst her taxes amounted to sixty millions. In such a state of things, great alterations were necessary—much of reform—much of conciliation and of wisdom to save her. The bill before the House was evidently drawn up in a hasty manner. He would state one clause of it. A person subject to the penalties of the bill was liable to be brought immediately before the judges of assize or of sessions, to be put upon his trial; he was entirely to depend upon the favour of the judge for an opportunity to produce his witnesses, and to prepare his defence. He had no doubt what the feelings of the judges would be, remarkable as they were for a tender and a pure regard for the liberties of the subject; but he asked, was this a situation in which persons charged with an offence against law should be placed. It was desirable that the executive government should have the confidence of the people, yet he felt it his duty to state, that he believed the executive had not that confidence, and that the measure before the House was not one which was likely to obtain it.

Mr. *Vesey Fitzgerald* expressed his satisfaction at what had fallen from the noble lord, and entirely concurred in the alterations suggested. He concurred also in the principle of the bill immediately before the House: in Ireland it had been carried into execution with effect, and without danger, though he could not persuade himself that it could be made local in Great Britain without an increase of the peril it was intended to diminish. One of the amendments of the noble lord he particularly approved, as without it the Catholics of Ireland would not have been able to assemble and approach the throne by petition. This change proved that it was not the design of ministers to interfere with the exercise of legitimate rights that did not endanger the security of the country. He might safely assert, that in no instance, for many years, had the meetings of the Catholics been attended with a display of popular strength, or any attempt to intimidate the government. In Ireland, the meetings of the Catholics had invariably been under cover generally in some of their places of worship; and if the amendment of the noble lord did not precisely meet that case, it could be more distinctly worded in the committee.

Sir *Robert Wilson* felt himself called upon to resist the principle of the bill, and the aggregate system of measures that were now to be imposed upon the country. He had had frequent opportunities of hearing them defended, but never successfully; and it was his conviction, from a strong sense of what was due to the good of his country, that the series of bills recently brought into parliament ought to subject the noble lord to articles of impeachment [Hear]. He repeated, that they ought to subject the noble lord to articles of impeachment, for they introduced capital innovations—they introduced arbitrary power, and subverted the real elements of the constitution. His object was not to use inflammatory language, not to excite feeling out of doors. This was a crisis when every member was bound to express his conviction strongly, that he might not aid and abet in the ruin of his country. The condition to which it was now reduced had been occasioned by mis-rule, by a total inattention to the views and wishes of the people; by a refusal to listen to their complaints and to redress their wrongs. This denial of justice, this determination not to listen but to proceed in the same wild career of extravagance, was heaping coals of fire on the heads of the people—pouring oil of vitriol into their angry wounds. The noble lord had taken credit to himself for lenity in these measures, inasmuch as he had not subjected to the penalty of death any person who persisted in remaining at a parochial meeting, though it had no riotous or tumultuous character, excepting what he derived from the presence of that individual; but he would assert that if this system was persevered in—if the government of the law was to be converted into a government of force—if tyranny was to be established on the ruins of liberty, he cared little who were to be the ministers of the Crown, or whether he himself was to be one of the first or the last of their victims. He would never relinquish the course he was pursuing; and he trusted that the people would never abandon the rights to which they were born. "Ad

decus, ad libertatem, nati sumus; aut hæc teneamus, aut cum dignitate moriemur." With regard to the particular bills, he must observe that training and drilling was already an offence, and he admitted that government was bound to protect itself; but he entreated the House to look at the bill for seizing arms, for seizing them by night as well as by day, under which any individual, with whatever motive might make a deposition before a magistrate, and procure the house, the castle of a man to be broken open and entered at midnight. Suppose the constable, armed with his authority, came for the purpose, what knowledge had the housekeeper of the warrant? and for defending himself against those he considered the spoilers of his property, he might not only be tried for murder, but for rebellion. Suppose men in military uniform (for every thing was now done by the military) were to come and insist upon admission; the housekeeper, unsuspecting their real purpose, and knowing that he had nothing to fear from a search, might open his door and thus admit those who had availed themselves of this disguise to plunder his house and outrage his family. He begged to read to the House, as a contrast to the present measure, a sentence from a statute passed in the reign of William 3rd, when it was believed that the papists had designs against the peace of the country, and had accordingly provided themselves with weapons of offence. "Any two or more justices of the peace may from time to time, by warrant under their hands and seals, authorize and empower any person or persons in the day time, and with the assistance of a constable, &c. to search for arms." Such was the law in the time of king William; no search could be made but in the day; yet in the year 1819, the power was extended either to the night or day. And what was the excuse for this change—for this invasion of the rights of Englishmen? Truly, nothing, but the tyrant's plea, the plea of Richard 3rd for one of the murders he had committed:

"What! think you we are Turks or Infidels!
Or that we would, against the form of law,
Proceed thus rashly,
But that the extreme peril of the case,
The peace of England, and our person's safety,
Enforced us to this execution?

With regard to the bill restricting the freedom of the press; the noble lord had very kindly informed the House that he did not mean to abolish the trial by jury. So it appeared; but the very mention of the possibility of such a thing showed that it had at some time or other entered into the contemplation of ministers; and every body knew that the conception of men in power were generally quickly followed by the acts themselves. It had been urged formerly by the noble lord, when the price of the stamp was raised, that it would interfere with the existence of a cheap press? Would not this new law interfere with the existence of a cheap press? Would it not prevent any man, whatever might be his talents, unless he had property also, from conducting a publication of the kind? Besides, it subjected every editor or proprietor of a newspaper to transportation on a second conviction; and men of character would not run the risk of embarking in such a hazardous undertaking. If this step were allowed, others must follow; and we should go on from invasion to invasion, until a writer was reduced to the situation described by the author of Figaro—"Provided I say nothing against the powers that be nothing against religion, politics, or morals—nothing against the court and its vices—against somebody, or any body that may be somebody, I may be at liberty to publish what I please—subject nevertheless to the provisions aforesaid." [A laugh]. He had great respect for the chief body of the clergy; their lives were devoted to their laborious profession, and were examples to the rest of the community; but the church ought not to forget that it was a church of peace and charity, not of war and intolerance; and its ministers ought not to exchange the pastoral staff for the ensigns of magisterial authority; they ought not to be employed in levying war against the people of England. He trusted that gentlemen would take care how they lent their support to such a system as was now attempted to be imposed upon the nation; they ought to recollect that it was most costly—that if persevered in, it must increase the taxes; and that, with the increase of taxes, distress and disaffection would be augmented. Let not gentlemen flatter themselves that the venerable fabric whose foundations were now assailed would last their time; and that if it fell, its ruins would only injure their posterity. Louis 14th had exclaimed, "After me the deluge;" but here danger

was at hand; national bankruptcy and revolution would soon open the floodgates of popular fury, and ministers and their adherents would find no ark to which they could fly for shelter. A requisition had been circulated and signed in Southwark, and another was in progress through the whole metropolis; but the noble lord had not allowed time to ascertain the sense of the more distant parts of the country. Supposing he was able to carry his projects through by triumphant majorities, what would the people say, but that the House of Commons did not care for their opinions, or regard their interests? [Some symptoms of impatience by coughing, &c. were here expressed]. He was aware that what he was offering must be very offensive to many gentlemen, but he must do his duty; it would be most of all unpleasant to a certain class of members to whom the noble lord had alluded on a former night, when he contemptuously said, that all the pensions in the list did not amount to the wages of the radicals for a single day. True, but did the noble lord flatter himself that the people would not see through this shallow argument? Were they not fully aware of the importance of abolishing pensions when they saw that it was by virtue of them that the noble lord could come down to the House, not only without the fear of punishment, but with the certainty of triumph, to outrage privileges held sacred from time immemorial, and recognized in the Bill of Rights, the violation of which was an act of suicide on the part of that House, destroying its own power, and annulling the relationship between the people and their representatives. But one mode now remained for saving the people, and that mode was, for independent men of all parties to combine in erecting a constitutional standard, and the motto "Nolumus leges Angliæ mutari."

Mr. *Grenfell* said, that he should not have risen but for the observations of his hon. friend who had just sat down. No person in the House heard the gallant officer with greater satisfaction than he did on any question but a political one: on those matters they were as far divided as the Poles. He had commenced by observing, that the noble lord deserved impeachment for introducing the measures now under consideration: if that impeachment were extended to individuals who heartily concurred with the noble lord, he (Mr. Grenfell) would be happy to bear his share of the crime and the punishment. [Cheers.] The gallant general had further asserted that he was not in the habit of using inflammatory language, either in the House or out of it. Had the memory of the gallant general totally failed him? Had he forgotten what had passed not long ago at a meeting in the borough of Southwark? Had he forgotten the memorable occasion when he shook hands—when he publicly gave the fraternal embrace to Mr. Hunt? [Continued cheers from all sides.] On that occasion, if the reports in the public journals spoke truly, the gallant general had asserted, that England was the most degraded country on the face of the earth. Was not that inflammatory language? Next he had maintained, that the time must arrive when the House must repent of the measures it now thought wise and necessary. If he (Mr. Grenfell) should at any time have occasion to give vent to his useless sorrow at the decision he now felt justified in making, the gallant general would be the last man he should ask to wipe away his unavailing tears. [continued cheers.] He would not follow him through his observations in detail upon the bill, but he would take that opportunity of stating, that if the measure against seditious meetings was limited to any period short of that named by the noble lord, it would be of no benefit, and the object in view would be utterly disappointed.

Sir *R. Wilson* said, he hoped the House would allow him to say a few words in explanation. He had never known Mr. Hunt before the meeting in Southwark; but he certainly did then give him his hand, because he conceived that he had been greatly injured, and because in Mr. Hunt's person, his own rights, and the rights of all, had been violated. He gave him his hand as a pledge that he would go hand in hand with him, to exert all his efforts as a representative in order to obtain redress. In doing so, he conceived that he did no more than his duty; but he would have felt himself disgraced if he had given his hand to any of those who had their hands stained with the blood of their countrymen, and of those who had sanctioned their conduct.

Mr. *V. Blake* observed, that he had given all the attention in his power to the gallant knight's arguments, but he entertained a totally different opinion respect-

ing this measure, and others connected with it. He considered them measures for the preservation of the country against the dangers which threatened it. If amputation was necessary for the preservation of the vital parts of the constitution, he should have agreed to it: but he did not think that necessary, nor did he consider these measures as affecting any part of the constitution. Such speeches as were made in that House by the hon. knight and others near him, afforded to the disaffected an opportunity of deluding the distressed. He was perfectly sure that nothing was farther from their intention than to occasion such an evil: but however excellent their hearts might be, their heads appeared not so well suited for public discussion as they thought them. They had convulsed the country with complaints, because of the refusal of that House to institute an inquiry into the events at Manchester. It was extremely ludicrous to see them urging inquiry in such circumstances; for let them only consider in what situation they would be placed if an inquiry were gone into, and that House were to address the Prince Regent, praying that the attorney-general should prosecute certain persons. Without inquiry, criminal informations could be applied for, or bills might be presented to the grand jury, or civil actions might be brought; but if the attorney-general were to prosecute in consequence of the address of that House to the Prince Regent, he must file informations *ex officio*, and the accused could at once put his hand into his pocket and produce a plea in bar by presenting the letter of thanks. An inquiry would therefore be the surest way to prevent the accused from punishment, if they were guilty.

Mr. *Ricardo* said, he was anxious very briefly to express his opinion on this subject. He thought that, in the course of this discussion, sufficient attention had not been given to the importance of the right to be curtailed. If the people's right of meeting and petitioning consisted only in the right of meeting to petition for the removal of grievances, it was not of so much importance, and the curtailment of it was not of such serious interest. But the right was, a right of meeting in such numbers, and showing such a front to ministers as would afford a hope that bad measures would be abandoned, and that public opinion would be respected. It might be compared, in this view, with the right of that House to address the Crown. If the right of that House consisted in passing resolutions only, and if they could not follow up their resolutions by refusing the supplies, and by calling up a spirit of resistance in the country, the Crown could despise their interference. It was the same with the right of the people to petition. If they could not meet in such numbers as to make them be respected, their petitions would have no effect. At the same time, he admitted, that those meetings were attended with very great inconvenience. It could not be denied that circumstances might arise when the government should be fairly administered, and yet distress might arise from causes which the government could not control, and wicked and designing men might produce a great degree of mischief; it did not appear to him that such meetings were the sort of check which ought to exist in a well-administered government; but it was necessary to have some check, because if they left men to govern without any control in the people, the consequence would be despotism. The check which he would give, could be established only by a reform of parliament. Then, instead of petitioning, and from the worst part of the people perhaps, being the check, that House would become the best check which any government could have, and with that check the people would be perfectly satisfied. He had read with surprise the abhorrence of radical reform expressed by several members of that House. He believed there were among the advocates of that measure, designing and wicked men. But he also knew that there was a great number of very honest men who believed universal suffrage and annual parliaments were the only means of protecting the rights of the people, and establishing an adequate check upon government. He had the same object as they professed to have in view; but he thought that suffrage far from universal would effect that object, and form a sufficient check. He therefore thought it would be madness to attempt a reform to that extent, when a less extensive reform would be sufficient.

Mr. Alderman *Waithman* said, he felt great reluctance in addressing the House; but his duty as the representative of so conspicuous a body superseded his reluctance. He concurred in the opinions of the hon. gentleman who spoke last, so far as

they went. The House were called upon, in the most extraordinary way, to adopt measures affecting the rights and liberties of the people, without giving the people sufficient opportunity of knowing what passed. It was impossible that the people could know in some parts of the country what was doing, for even the city of London had not yet been able to present their opinions to the House, though he believed the sheriffs were now at the door with them. It was three months since the events took place on which those measures were founded. If the necessity for passing such measures was so urgent, why had not parliament been called together earlier, in order to give the people abundant time to meet and to express their sentiments? It appeared extraordinary that ministers should have been so well assured of the illegality of the meeting at Manchester, as to have at once issued thanks in the name of the Prince Regent, and yet that they had not previously informed the people of the illegality. At least the time had now arrived when they ought to state the grounds on which their thanks were founded: but he was yet, after having seen the papers on their table, as much in the dark as ever. All the legal authorities in that House were unable to come to an opinion as to the legality or illegality of the meeting. In a case of so much doubt and difficulty, was it right, was it proper, to disperse the meeting in a manner which terminated so calamitously? An inquiry was called for, not merely in order to ascertain the conduct of the yeomanry and of the magistrates, but to ascertain the conduct of his majesty's ministers, and what communications they had previously had with the magistrates. A meeting had been held in Smithfield some time before the meeting at Manchester, and it was then the opinion of all the legal gentlemen, the learned gentlemen opposite included, that the meeting was perfectly legal. The whole of the measures adopted with regard to that meeting had been pre-concerted. Harrison was to be apprehended, and the military were to attack, if any resistance had been made. He knew these things perfectly; as he was the representative in the common council of the ward in which the meeting was held. At that meeting a great body had attended from mere curiosity to know what passed. If any resistance had been made, if an arm had been lifted up, the military would have been called in, and the same scenes would have followed which were occasioned by the interference of the military at Manchester. He was, therefore, of opinion, that the magistrates would not have so acted, unless they had instructions from ministers. His opinions upon such meetings were known to several members of the House. He thought them dangerous, impolitic, foolish beyond description, and particularly injurious to rational reform. His majesty's ministers could not have found more effectual means than such meetings afforded for injuring rational reform, and for obtaining such measures as those now before them. But if the example of lord Fitzwilliam had been generally followed, gentlemen of character and talents would be listened to and respected, and visionary and itinerant orators would not be attended to. That House was called the grand inquest of the nation; it was so, not merely to inquire into the concealment of arms, but to inquire into the oppressions of ministers. It might be said, there were no oppressions, for ministers were such good sort of men. But the people said there were oppressions. Let the grand inquest inquire into it. All the remedies hitherto applied had failed. The Habeas Corpus act had been suspended; but when the suspension was removed, the people were worse than ever. It was therefore necessary to inquire into the real causes of complaint. Declarations of loyalty had come from part of the people, but at the head of such declarations were always to be found persons who held places or received private favours from the government. There was no doubt of the loyalty of such men. Certainly not; and why did they profess their loyalty but in order to brand all others with a charge of disloyalty? Were two-thirds of the nation who called for inquiry and redress to be disregarded, and acts passed in that House to their prejudice, merely because one-third, and these either self-interested or influenced, made loyal declarations? He had attended popular meetings for five and twenty years, and was representative of a ward containing 4,000 families; and he could assure the House that he had found more intelligence in the lower and middle classes than certain gentlemen were disposed to give them credit for. He always thought that their notions of reform were wild and visionary, and destructive of their own object; but when they were charged with desiring a revolution, he

could not refrain from expressing his astonishment at a charge so unfounded. Was it not known that sir Robert Raymond, afterwards lord chief justice of England, had advocated the same opinion? Was it not known that they had been the opinions of one, than whom a purer spirit never appeared before the tribunal of his maker? He meant Mr. Granville Sharpe The people had read and reflected upon the subject of parliamentary reform. They understood the source of their grievances as well as any member of that House. They erred only in their estimate of the necessary remedy. It was the fashion to speak of the people as a different species—as if they were insects or worms; and every butterfly-gentleman, when he succeeded in emerging from among them, turned round and said, "I have got wings; I leave the people behind me; let their impertinence be repressed." The object of many measures lately passed was, to break down the middle classes; and the consequence now was, that they could not afford labour and wages sufficient to the working classes. Did the noble lord suppose that his coercive measures would counteract the effects of impolicy and excessive taxation? No; the noble lord did not think it. Why did he first propose this measure to last for ever, and now propose it for five years, but because he knew that it was not sufficient as a remedy? Distress, discontent, and irritation would not thus be remedied, nor could they be thus effectually suppressed. They would burst forth like a volcanic eruption, sweeping every thing along, and destroying all in their course, if that House did not apply a sufficient remedy. If they gave this remedy to the noble lord, would he be satisfied? No; when they put down meetings (to use a favourite phrase) by such measures, they must also have 10,000 or 12,000 men added to the military force of the country. It was all a piece of trickery. It was part of a system to abolish the Bill of Rights. Because the people had shown a formidable front, and petitioned for the preservation of their liberties, they must now be driven back. But he could tell the House, that if they passed a resolution that they would take the grievances of the people into consideration, and if, as a means of doing so, they dismissed his majesty's ministers—instead of complaints, they would have addresses of congratulation from all parts of the country. They talked of preserving the constitution: was it now found inadequate? We had rebellions and insurrections in the country, and yet the constitution survived. It had been the fashion of late to suspend the Habeas Corpus act; but the object now was to put down the constitution. If this bill should be effectual for five years, the people would never again meet like Britons. In a period of the reign of Charles 2nd, the people petitioned for the assembling of parliament, for the parliament was then with the people, and the courtiers congratulated the king upon his deliverance from parliament. It was not so now, for parliament was occupied in deluding the king, the people, and themselves. Then the House of Commons expelled sir Thomas Withens for expressing his disapprobation of petitions to the king to assemble parliament. They addressed the king against sir George Jeffries, recorder of London, for his activity in the same cause. Sir George was then in great favour with the court of aldermen, as he perhaps would be with the aldermen of the present day. There was silence for some years; but the consequence of those violations of the rights of the people was the Revolution; and if the noble lord succeeded in his measures now, the same consequence would follow. Ministers appeared to have taken that page of history for their model, so far as that was possible in the present state of opinion and of the public press. It was, indeed, still conceded, that lord-lieutenants, sheriffs, and mayors, could call meetings, but the first could be dismissed. Sheriffs might be appointed on the recommendation of lord-lieutenants, and the House knew how mayors would act. The lord mayor of London had refused to call a common-hall when three million of new taxes were to be imposed. The House was now legislating without evidence. Anonymous evidence was no evidence. The 7,000 armed men turned out to be all men in buckram. The lord mayor had said, that he had evidence on oath that fire was to be put to the city, and the inhabitants to be murdered. Why was not that evidence on the table? The lord mayor must have contributed the important information to lord Sidmouth. He could not suppose that any lord mayor would have said so, if he did not believe it. If, then, the lord mayor of London was so practised on, must not others have been practised on in the same manner? The districts that were now alleged to be

disaffected contained 1,000,000 of inhabitants. Our armies were principally recruited from those districts. If they were to be so recruited again, they would willingly enter the army; for, as an ingenious writer had eloquently said, they would see "that death was less certain, and more honourable, in the army than at home." But how could such troops be relied on? When there had been danger of invasion, the cry was, "Let us all unite;" and parliament put arms into the hands of those men. But we were told, that the difference was, that now disaffection stalked abroad; that then a foreign enemy was to be opposed. But the disaffection was either entirely imaginary, or forced by distress and misgovernment. Even the suspension of the Habeas Corpus act was not so formidable as this measure, because then the people might meet; they could then have the assistance of men of talents to stimulate them to acts of energy. If this bill were to make it imperious on magistrates to call meetings, and if they were to preside, and only to see that no stranger addressed those meetings, the measure would be less objectionable. How was the slave trade abolished, but by meetings all over the country, and by individuals travelling for the purpose who got much credit for their conduct? If he were to use such language as had been used on a similar subject by lords Chatham and Camden, against lord Loughborough for preventing the remonstrance of the city of London from being received, he should excite such a storm as would oblige him to sit down, and perhaps call forth the rebuke of an hon. gentleman. Taxes had not been reduced, though the value of property had fallen more than half. The same lavish expenditure was attempted to be supported by diminished means. If those who were represented as so dangerous were let alone, the whole cause of alarm would soon subside. At the last meeting in the city no radicals had attended: but there was a strong feeling for rational reform throughout the country. To give freedom by means of reform to the people, was the only means of restoring tranquillity now, and of being prepared for any emergency.

Mr. *Wilson* observed, that it seemed pretty generally admitted on all sides, that the evil arose from want of employment and from heavy taxes. Was it possible, then, to remove these causes of discontent? He should be most happy if the poorer and the labouring classes of society could be convinced of the impossibility. Of this, however, all who heard him must be satisfied: every member of that House well knew that the unfortunate state of things to which he had alluded could not be done away, that our manufactures must continue depressed, and that taxes must continue to be paid. He was not, he trusted, insensible to the sufferings now experienced, nor, in giving his support to these measures, did he conceive that he was preventing their mitigation. The condition of the lower orders he hoped soon to see ameliorated. But it appeared to him that the proposed measures were necessary, if it were only for the purpose of showing that the sentiments often pronounced at public meetings were not the unanimous sentiments of the country. It had been urged, that the people had not sufficient confidence in that House, and that in their belief a majority of it gave its votes as a matter of course to the ministers of the Crown. But was not this likely to be always the case? And if the gentlemen opposite were to come into power, would they not think themselves also justified in making use of the patronage of government? For one, he must frankly say, that he preferred the term of five years for the duration of the bill now before the House to a shorter period: a shorter time would, he thought, only serve to keep men's minds in their present state of agitation. As long as that should continue, there would be a necessity for increased expense, and an enlarged military establishment. He wished to see that necessity at an end. With these impressions, and adverting to all the circumstances in which this country was now placed, he felt it his duty, as an honest man, and an Englishman, to vote for the present measure.

Mr. *D. W. Harvey* could not agree that the true remedy for the grievances of this country was to be found in the multiplied and complicated provisions of the system now recommended to their adoption. So far from allaying the present discontents, or putting an end to existing evils, he believed these enactments would aggravate and increase them. There were, in his opinion, but two certain and effectual remedies; one, a diminution, or perhaps rather an equalization, of the taxes; the other, a parliamentary reform. The former was, perhaps, that which called for more immediate attention. There were many persons who had large property,

and especially in land, who derived advantage, instead of suffering loss, from our present system of taxation, connected as it was with the whole system of our internal policy. A given rental might pay a larger amount of taxes than it did thirty years ago, but that rental was itself augmented in a much more considerable proportion. A landed proprietor of 5,000*l.* per annum was before charged with perhaps 300*l.* a year: he now paid double that sum, but his entire estate had also, during the intervening period, been doubled in value. Had manufacturing or any species of labour experienced a similar advantage? He concurred with the view lately taken of this subject by a noble lord; he wished to see the duties on salt and other articles subjected to an excise differently modelled, and, if a property tax was to be resorted to, that it might be attended with various gradations, and fall chiefly on the richer orders. Nothing would more completely satisfy the minds of the labouring classes that their interests were consulted, and prove to them that there was a disposition to sympathize with their wants and sufferings. He had, however, one very strong objection to the measures before the House. They were bound to consider, when they were about to create new powers, to whom it was that they intrusted them. His majesty's ministers had lost the confidence of the nation upon this subject. It had expected that parliament was called together for the purpose of going into an inquiry respecting it, and his own constituents had abstained from publicly assembling to consider the transactions at Manchester under this persuasion, conceiving that, as a full investigation would so soon take place, their meeting might be regarded as a mark of their disposition to prejudge the question. This had been a general belief, but the country was disappointed. The learned gentlemen on the other side had contended, that the House was an inadequate tribunal, and that the subject would come more properly under the cognizance of courts of law. The hon. and learned solicitor-general had, a few nights since, made a triumphant appeal on the ground of the inquest at Oldham. He had asked whether it was right to take the question out of the hands of a court specially constituted for the purpose of conducting inquiries of this nature? What now had become of this reasoning? For his own part, he must declare that he had a very sincere respect for the judges of the King's-bench, but he could not understand the grounds on which they proceeded in putting a stop to the inquest. It appeared to him that they had gone out of their way on that occasion. It was new to him to find a man allowed to convert his own wrong into a justification of himself. The coroner was absolved from the necessity of resuming an inquest in consequence of his own irregularity; and what chance was there now that the merits of the case would ever be ascertained? The court had, indeed, referred to the grand jury, and stated that the matter might be safely left to that tribunal. No doubt a grand jury would discharge its duty; but it had been admitted in that House, that they had a peculiar protection thrown over them. They could not be called upon, in consequence of their oath of secrecy, to divulge the grounds on which they acted. With regard to this point, however, he would here mention a case which had been recently decided at York. A prisoner was on his trial for felony, and one of the witnesses against him was under examination. A member of the grand jury, by whom the bill of indictment had been found, happened to be present, and was so struck with the difference between the witness's testimony there and what he had sworn before the grand jury, that he thought it his duty to apprise the judge of it. The latter conceived that it was essential to the ends of public justice that the witness should be indicted for perjury. A bill for this purpose was preferred to the grand jury, and upon the evidence of one of themselves, the man was indicted and convicted. It was deemed right in that case, for the paramount ends of justice, to release a grand juror from the obligation of his oath. In the case of the transaction at Manchester, there was a general persuasion, that although the grand jury might not have ignored bills contrary to evidence, yet that they had refused to admit certain evidence. This sometimes happened on election committees, and he recollected an instance of two sitting at the same time, and one of them determining that treating was bribery, and the other that treating was not bribery. The cause of this difference was, the rejection of evidence in one room, which evidence was admitted in the other. It might have been possible that the Lancashire grand jury conceived that if Derbyshire were indicted, no proceedings

could be had against Mr. Hunt and his friends, and therefore threw out the bill against him. There seemed to him, however, to be an absolute necessity for inquiry into all the transactions at Manchester. The very first letter of the papers submitted to the House was a very important document. It represented the disturbed districts to be in a state calculated to end in a revolution, and it was remarkable that it was dated on the 1st of July, several days before the prorogation of parliament. No allusion, however, was made to it in the speech from the throne, and parliament was allowed to separate with some general advice only, to maintain order in their respective neighbourhoods. This furnished some reason for believing that ministers wished the evil to go on, till it assumed some tangible shape, and should enable them to bring forward these portentous measures. He believed, however, that their only tendency would be to exasperate and increase the disaffection already prevailing.—He had now but a very few observations to make on that other question of sovereign importance—he meant a reform of parliament. It had been too successfully endeavoured to confound this subject with the views of the radicals. He could not agree indeed with all the terms of reproach which had been applied to the latter. They wished for what they considered suitable remedies to all the distempers of our condition. He had lately suffered from an internal complaint, and was desirous of a radical cure, but this his physician could not undertake, though he promised him considerable relief. His own principle with regard to parliamentary reform was narrowed to this—that the House should contain no member who did not, at fixed periods, revert to some public body, to whose praise or condemnation he should be subject, whilst dismissal or re-election should depend on their judgment of his conduct. This, he believed, would be satisfactory to the public, but they would not be satisfied whilst they saw so many members who had no constituents. He did not wish that the House should be converted into a mere organ of the sentiments of others, for that would be incompatible with their character as a deliberative body. The principle of reform which had stated went to no such extreme, and could, he thought, be obnoxious only to those who looked to their seats as a source of profit to themselves.

Lord *Stanley*, in consequence of his having been so pointedly alluded to, rose to submit a few observations. He certainly had been, no doubt unintentionally, very much misconceived. The hon. gentleman who spoke last was wrong in supposing that he had admitted, that a grand juror's oath threw too great a protection over him. He had said, that the Lancashire grand jury were able to justify their conduct, but that they would not violate their oaths. Unquestionably, however, that obligation might be removed by the interference of a superior court. The hon. member, he apprehended, had derived his facts from the statements contained in Mr. Hunt's petition; in which it was alleged, that the grand jury had been actuated by feelings and prejudices against him. He wished to speak with tenderness of all persons who addressed themselves to the House; but he must say, that there was no authority for the assertions of the hon. member in this respect.

Mr. *Bootle Wilbraham* asked, whether the hon. member for Colchester meant to state that the grand jury refused to receive the evidence of Derbyshire?

Mr. *D. W. Harvey* did not mean to say any such thing. All he had asserted was, that on public grounds it would be desirable to know the reasons which influenced the grand jury to ignore particular bills. They might have ignored them by adopting a particular rule, and acting upon it to the exclusion of a certain line of evidence, which, if admitted, would perhaps have led them to a different result.

Mr. *Bootle Wilbraham* stated, that the grand jury had made no such rule, nor refused any particular evidence.

Mr. *Hutchinson*, after lamenting the painful necessity in which he found himself, of trespassing upon the attention of the House, after the speeches that were made by his hon. friends round him, warmly defended his hon. and gallant friend from the attack made upon him by the hon. member for Marlow. He was the more ready to repeat and justify every expression made use of by his hon. and gallant friend, as he was so much in the habit of connecting his feelings and interests with his own upon every occasion. Before he proceeded further, he begged to ask ministers, whether it was their intention to extend the provisions of this Bill to Ireland?

Mr. *Grant* replied, that it was intended to include Ireland within the operation of the bill.

Mr. *Hutchinson* resumed, and with great animation recalled the attention of the House to the speech of the noble lord, when he introduced this bill to their consideration—a bill which would be for ever connected with his name. Did not that noble lord, in his opening speech, contrast the peaceable state of Ireland with the disturbed condition of England?—Did he not express his pride and satisfaction at seeing what he termed the peaceable and prosperous state of a country with which he was so nearly connected? Why, then, did the noble lord talk of the peaceable and tranquil state of Ireland if he meant to visit that country with the pains and penalties of his bill of coercion? What was the noble lord's intention by adopting such a delusive course? Did he mean to deceive the seventy Irish members who voted with him on the former night, and to induce them to give their support, under the idea that though England was to be coerced, Ireland was to be free? When the noble lord, with his usual douceur of manner, and apparent modesty, even though introducing a measure of such tremendous consequence, made this allusion to the state of Ireland, what was his meaning? Why the delusion? He intreated the Irish members to recollect the declaration of the noble lord as to the tranquillity of their country, and to couple it with what they now heard of the intention to include Ireland in the operation of this Bill. [Hear, hear! and some coughing from the ministerial benches.] Gentlemen might interrupt him if they pleased; they might manifest a readiness to vote away the liberties of their own country, but they must give him leave to defend those of his—such at least as remained to his country in her present state. When the noble lord had talked of the prosperity of Ireland, he did not believe him, though he was ready to admit its peace and tranquillity, and to assert its claim for an exemption from the operation of these bills.—Nothing, he must say, could be more outrageous than the conduct of the noble lord, who, upon evidence of his own showing, part absurd, part anonymous, grounded the necessity of measures subversive of the most essential privileges of the constitution, notwithstanding the many flat contradictions which this evidence had received in both Houses of Parliament. It seemed the noble lord, even with his majorities, did not feel himself on quite as safe ground as he at first imagined, when he now came down, and in smooth and flowing numbers, admitted the limitation of the bill to five years existence. It was to be hoped that before this night passed away, a feeling of a similar description would prompt the noble lord, notwithstanding his bold declarations, to make the bill local, instead of general, in its application. He begged pardon while he said that there was something so outrageous and offensive in the mode pursued by the noble lord, that he was afraid to give vent to the feelings which it excited in his breast. The ministers, in bringing forward these measures, came before their country with false colours. Were these the glories that followed the labours of upwards of half a century of administrations like the present? Were these the laurels which the people were to reap after the termination of a war unparalleled in its renown, but for which no thanks were due to ministers, though none could be too much for the brave soldiers and their great captain, who had won them by their spirit and heroism? Was it in the fifth year of profound peace with the world that ministers were to claim confidence, when they avowed that sedition and treason raged among their own people, and that they could only be eradicated by bills of pains and penalties? [Coughing on the ministerial benches.]—He trusted gentlemen would refrain from interrupting him: he meant to be brief, but if this interruption were persevered in, he should only have to detain them longer, as he was determined to express his opinions, and he would extend them to tenfold length if these attempts were renewed.—He was old enough to recollect the proceedings of governments and parliaments in Ireland, and to remember the cruel oppressions that were practised upon the people, when the noble lord was in, as well as when he was out of office in that country. He recollected when any honest man who interposed between the people and their oppressors was coughed down in parliament by the purchased majority of that day.—What had been the result? The grievances of the people were met by coercion—the country at length became goaded to madness, and a devastating rebellion was the result. The history of those sad times in Ireland presented a spectacle for deep contemplation. There were those in power in that day who were eager to

see the people draw the sword, that they themselves might have a pretext for throwing away the scabbard. The vices which human nature exhibited once, she again threw forth at other periods, and he meant no offence to any particular individuals when he avowed his full and thorough conviction, that there were persons in the country at this moment, who, for their own black and malignant purposes, were ready and eager to drive the people into acts of outrage which might furnish a pretext for putting down that people at the point of the sword. If parliament lent itself to such persons it would stand degraded in the eyes of the people—it would forfeit its character as the guardian of public liberty. They were told, indeed, by ministers, of the nations of the continent that were saved by the vigour and valour of their councils. He denied the assertion, and declared that the nations of the continent were saved by themselves, and not by his majesty's ministers. The proof of the estimation in which ministers were held on the continent, could be easily put to the test. Go to any court in Europe, and see the contempt in which they were held—go to any people in Europe and see the scorn and derision which were heaped upon them: they were universally despised and detested. So long as the strength of the continental people rested upon the influence of rotten thrones, it crumbled, and they owed their existence as nations to whatever of generosity was bestowed upon them by their conqueror, Buonaparté; when at length an accumulation of oppression roused the people to resistance, they expelled the previous conqueror, his own people refused him obedience and oppressed nations conquered—not France, but Napoleon. He had no words in which he could adequately express his admiration of the military glory acquired by this country during the late eventful war; but the noble efforts and heroism which consummated it, would, he feared, have been vain, if the people of the continent had not to a man risen and assisted in the expulsion of their oppressor. But this glory belonged to the people, and not to the ministers. Where had they the suffrages of any once prostrate nation for its redemption? Would the right hon. gentleman (Mr. Canning) whose eloquence was so exercised in defence of the measures of his colleagues, and who had but just returned from the continent, say from what state he had procured a certificate of attachment to his majesty's ministers? Did he obtain one from the fallen and expelled people of Parga? Was it from the people of Genoa he received an eulogium upon the merits of the British ministers? If it were not was it from dismembered Saxony, or did Belgium resound their praises? What did France say of their acts? They suffered, as friends, their parties to enter her states, and they remained there as invaders. To crown all, in the fifth year of peace, the people of this empire—the people whose energies and perseverance, under every sacrifice, enabled ministers to carry to the full length the whole of their war measures, were now to be put down by coercion—they were to receive chains in return for their efforts and their confidence—and these were to be rivetted, without even the preparatory form of any inquiry.—The hon. member, with great force, condemned the whole policy of his majesty's ministers on the present occasion: at home and abroad it was alike disgraceful, condemned, execrated, and despised. Why was it that, under such circumstances, appeals were made to rally round the throne with loyal addresses, when no danger for the stability of the throne could at all be contemplated while no efforts were made to rally round the people and the constitution, and to save both from the pains and penalties that were alike levelled against them? He then condemned, in pointed terms, the proposed duration of the bill, and its extension beyond the local places of disorder.

Mr. *Grenfell* appealed to the House, whether, as had been imputed to him by the hon. gentleman who last spoke, he had said that the gallant general fought better than he spoke. As to the expression, that "the country was degraded," he had not said that it had been used in the course of this debate; it had been used three months ago by the gallant general on the hustings at Southwark.

Mr. *Barham* was of exactly a contrary opinion to that expressed by the hon. gentleman respecting the character which this country sustained in the estimation of foreigners; for if any Englishman was not satisfied with that character, he must be unreasonable indeed. He did not know any thing of Parga; but with Genoa he had long been acquainted, and he knew that, whatever might have been the sufferings of that people, they did not ascribe those sufferings to England. If

the hon. gentleman would go to Genoa, or into Saxony, he would find the highest opinion entertained of the character of this country. As to the main question, he thought it his duty to support ministers on the measures before the House. His opinion that such a measure as the present was necessary, was founded on the illegality of those meetings which it was the object of the bill to suppress; for he could not suppose that any thing so dangerous to the peace of this country as these meetings were, could be legal. As to the conduct of the Manchester magistrates, he believed they had acted in the discharge of a difficult and delicate duty; and as to the yeomen, he could not bring himself to believe that a body of Englishmen were capable of acting with the wanton cruelty which had been imputed to them. But while he agreed with ministers on these points, there was another question on which he entirely differed from them; for he was of opinion that these proceedings were of such a nature, that they ought to have been inquired into. He did not believe that the House of Commons had fallen into such contempt as had been alleged by the hon. gentleman, but that, on the contrary, it was still respected by the majority of the people. He did not doubt, however, that this respect would be greatly diminished, if an inquiry into those proceedings was denied; and therefore he was convinced that no evil could arise from inquiry, equal to the evil that would result from denying it. The construction likely to be put by the country on the refusal of ministers to institute an inquiry. Was, that they were afraid of something coming out that would not bear the light. —He thought the present measure ought to be restricted to those parts of the country only that required it, because, to punish the whole kingdom for the offence of some districts, comparatively small, was certainly not a measure likely to promote conciliation. He was not a reformer himself. He had no objection to correct abuses by applying the laws with proper severity in all cases of corruption; but he would not introduce any new principle into the system of representation. As to the principles of Radical Reform, he conceived that if they were adopted they would lead directly to the abolition of monarchy and the subversion of the constitution. He looked, however, on the right of petitioning to be one of the most valuable and useful privileges of the subject, when judiciously exercised; and, therefore, the House should be guarded in making any law that would trench on this privilege. He appealed to the chancellor of the exchequer, whether the property-tax would have been repealed, but for that resistance which this measure was calculated to prevent in future. The slave-trade, also, had been petitioned against; and there the result had proved the good effects of expressing temperately the sentiments of the people on great measures. At the time of the American war, the people were for peace, and peace was accordingly granted to them; in the revolutionary, they expressed their desire for war, and Mr. Pitt continued it; in short, on every memorable occasion the good effects of listening to the voice of the people through their petitions, had been clearly proved; but now ministers, by this measure, were going to cut asunder the link that connected the parliament with the people.

Mr. *Hutchinson*, in explanation, disclaimed any intention of stating that the national character of England was degraded upon the continent, as the last speaker appeared to think.—What he meant to say was, that the policy and practice of the British cabinet was universally deemed to be disgraceful upon the continent—that in fact, that policy and practice were odious in the estimation of every intelligent man in Europe.

Mr. *Knox* supported the motion; but as he spoke under the gallery, and in a low tone, we could not catch a complete sentence from the hon. member throughout his speech.

Mr. *J. Smith* rose, he said, to take notice of some erroneous and mischievous reports which had been lately propagated, and with the origination of which he could not suppose that government had any concern. He could not, indeed, suspect the members of the government of descending to any unworthy expedient for the purpose of producing an effect in debate. But he lamented to say, that some reports had recently gone forth from high authority, which were materially calculated, and which did actually operate, to affect the credit of the country.—He alluded particularly to the report mentioned elsewhere, that there were no less than 100,000 men in a state ready to

be called out for open rebellion, in the line between the Weir and the Tyne up to Carlisle. Now he would take leave to say, that this statement was not true, because it was impossible it could be true, for there were not 100,000 men in the whole of the district alluded to capable of bearing arms. The population of the counties of Northumberland, Durham and Cumberland, comprehended within the district alluded to, amounted, according to the Census of 1811, to 480,000; and supposing 70,000 to have been since added, which was rather a liberal supposition, that addition could not be conceived to include more than 10,000 men capable of bearing arms.—This conclusion he founded upon the authority of those able writers who, especially in the course of the French Revolution, had illustrated the number of men capable of bearing arms, which could be rationally looked for among a certain amount of population; and he was fully persuaded, that the district to which he referred could not produce 100,000 men capable of bearing arms, even if the lord-lieutenants of the several counties were, with all the clergy, to be included.—Such an extraordinary statement, then, as he had mentioned should serve to put the House and the public on their guard against similar exaggeration, and the more so, as the propagation of such statements was calculated to do serious injury. For example, the statement upon which he had animadverted, coming as it did, from a nobleman of great property and consideration in the country (the duke of Northumberland) had had a very serious effect upon public credit on Saturday last. Several persons, indeed, were known at once to take proceedings for transferring their property from our own to foreign funds.—For his own part, he had never done, nor would he ever do any such thing; because it was his resolution never to desert the vessel of his country in its distress, but, on the contrary, to cling to it while a plank remained to swim upon.—But upon the same ground that sustained this resolution, he must lament the delusion of others, and deprecate the cause which gave birth to such delusion. Delusions of this nature must always serve to do mischief; for any report that created alarm, was calculated to affect public credit, which was the more to be deprecated at present, as it must operate to produce an unfavourable exchange, and so raise the price of bullion, at a time when the Bank was called upon to commence payments in bullion. In every view, then, he condemned such groundless fears as had induced him to address the House; for although the finding of 100,000 men capable of bearing arms in the district referred to was quite as improbable, or rather as impossible, as that Rutlandshire could furnish 20,000 such men, or Bedfordshire 50,000, still there were minds upon which such stories were likely to operate, and such minds ought not to be practised upon.

Sir *Isaac Coffin* said, he would vote for this measure because the constitution was in danger, and he was sworn to defend it.

A Gentleman, whose name we could not learn, deprecated the propagation of groundless alarms, and expressed his disinclination to vote for making the present a permanent or universal measure. He thought some such measure necessary in certain districts, but he would have it apply only to such districts, and he would rather vote for it if it were only to continue for one year, or three years at farthest.

Sir *Robert Heron* declared, that he was so perfectly and entirely opposed to the bill, that no limitation could reconcile him to it. No case could be stated which would, for a moment, reconcile him to any measure that he deemed to be an infraction of the constitution; and he conceived it would be much better for ministers to take the responsibility of such a proceeding upon themselves, than to endeavour to procure for it the high sanction of that House. On the subject of the Manchester meeting, it was not his intention to detain hon. gentlemen for two minutes; but this he must say, they had been frequently told that they were not to prejudge the conduct or the motives of the magistrates of Manchester. His duty told him, that they were now assembled as the representatives of the people, and it was especially for them not to prejudge the people. Till evidence was offered such as was to be relied upon, to the contrary, he was bound not to suppose them guilty. In the whole course of the observations which had fallen from those who assumed a different position, he had heard but one remark in the shape of an argument; and that was, that the reforms which the meeting in question was assembled to discuss, were no other

than so many projects of sedition; but if that was the case, Mr. Speaker himself was guilty of disseminating them: "for you, Sir, (continued the hon. baronet, addressing himself to the chair) whose conduct has entitled you to the esteem of this House, and of the country—you, Sir, have always directed that the petitions which have been presented to us for similar objects should be printed, and copies of them, under your eye, have been circulated among hon. members." Respecting the meeting at Birmingham, indeed, there could be no doubt; but he could not think that it was always necessary to exercise the utmost severity against the people, even when their proceedings had assumed a character of illegality. Mr. Speaker had not suffered, he believed, by the election of the "legislatorial attorney," and if he were to attempt to take his seat among them, he would meet with a reception likely to occasion disappointment and vexation to himself [Hear!]. The worst measure of all, as connected with the Manchester business, however, was the letter of thanks to the magistrates. The people had been long accustomed to receive from the throne solace in their sufferings, and commiseration for their distress. The fountain of mercy and justice in this case, unhappily, had been polluted; and, as far as it was in the power of ministers to do so, the father of his people had been converted into the head of a faction. The people petitioned for relief, because they were miserably distressed; and what answer was the House about to return to their petitions? That they had raised a new army [Hear, hear!]. Yes, they had raised a new army, at a time when they had already one which it would be impossible long to pay—one for which there could exist neither demand nor necessity at home nor elsewhere, because of a state of general peace. In conclusion, he had only to express his utter dissent from the principle and provisions of the bill.

Sir *C. Monck* took the opportunity of stating, in reference to what had been reported to have occurred in another place, that he did not believe the population of the northern districts alluded to could afford the numbers which were reported to be actually engaged in plans of disaffection. He at the same time was most confident that the noble duke who was said to have made the statement, would not have made it unless he fully credited it.

Mr. *Brownlow* defended the conduct of the Irish members who supported the present measures, from the implication conveyed in the speech of the hon. member for Cork. It was asserted by him that seventy members from that part of the kingdom were deceived by the noble lord as to the fact of their extension to Ireland. He denied any such inference. The Irish members who supported these measures of security did so under an irresistible impression of their necessity. It was because they had witnessed in their own country the symptoms and effects of a growing rebellion, that they hurried from their homes and families to ward off from this most favoured land those violences, the misery of which had been experienced in Ireland.

Mr. *Hutchinson* stated, that until that night he had not the remotest idea that the bill was to extend to Ireland. What he had said in his speech went to charge the noble lord with the deception practised on the members of that part of the country, who thought they were alone imposing those severities on Great Britain. In the bill, as it now stood, there was no mention of the united kingdom.

Lord *Castlereagh* said, it was probable the hon. member was not in his place when he opened the subject to the House; if he was, it was impossible but he must have heard him directly state that it was intended that the bill should apply to every part of the kingdom.

On the question being put, that the bill be recommitted,

Colonel *Beaumont* observed, that it was unnecessary for him to take up much of the time of the House. He rose for the purpose of expressing, in the first place, his wish that an instruction might be given to the committee. But he trusted that every hon. member, who, like himself, belonged to no particular party, would not feel himself committed by the vote he might have given in regard to this bill. He meant to move, that an instruction be given to the committee, to the effect that they should limit the duration of the bill, so as that its operation might not extend beyond the 1st of March, 1821. It would have been most gratifying to his feelings if such a measure could have been altogether dispensed with. He was proud to say, that from the first moment in which he had had the honour of sitting in that House, he had kept himself quite unconnected with any

party. His sole object had ever been the support of the constitution, and of the rights which it involved, in their original, ancient, and long-established vigour. He need not enlarge upon the immense importance of the subject before the House —important in every sense of the word; but he must take the liberty of differing from the opinion advanced by a noble lord on a former night, that this bill was not, in fact, an infringement of constitutional rights. Had that noble lord contended that it was called for by the circumstances of the times, he should have been most willing to allow the fact; for he thought the necessity of it, for the preservation of our rights, our liberties, and our property, was so clear, that he could not imagine any of those honourable gentlemen who disapproved of its provisions would argue that it was of itself unnecessary. It had been stated by an hon. member, that the minds of the people were more likely to be kept in a state of agitation and ferment by a bill for one year than by one for five years. But he did not see how it was to be proved that the people of England could forget all their duties, their rights, and their loyalty, at the end of one year, as if they were impatient to resume seditious practices. He should therefore move, "That it be an Instruction to the Committee on the Bill, that they make provision to limit the duration of the Bill to six weeks after the commencement of the next Session of Parliament."

The *Chancellor of the Exchequer* was desirous of taking the earliest opportunity to express his regret that he could not coincide in the motion of his hon. friend. It was of the very first importance that upon a subject of this nature there should be, if possible, an unanimity of opinion among them; and when his noble friend had stated his wish that the bill should be limited in its duration, and not permanent, he had hoped that he would have united all opinions. There were, however, very different opinions held, especially by the hon. gentleman who thought that no real or actual dangers threatened the country from within; but to such he was not now addressing himself. The case had been so frequently and so fully argued, that he had not the smallest hope of inducing any of them to recant their opinions. It was to those who thought it should be a temporary measure, that he now wished to address one or two observations. The evils which they were called upon to remedy had been growing upon us for many years. In 1812 they had assumed so serious a character, as to require the imposition of very strong measures; but in 1817, they had increased to such a degree, as to call for the suspension of the Habeas Corpus act. And from that time to the present, although for a short period they were checked by the vigour of parliament, they had been increasing till they had attained the full maturity of mischief. A period of less than five or six years could hardly tranquillize the public mind; and he should therefore move, that, instead of the words in the proposed instruction of the hon. gentleman, the limitation to be for five years. The hon. gentleman who had proposed the instruction had not spoken of the period at which public tranquillity was likely to be re-established. And what was the reason? That by putting so short a term to the bill, he should force the government the sooner to adopt some measures of reconciliation. But he had not told them what those measures were to be. He had heard, indeed, a good deal from honourable gentlemen who entertained views about parliamentary reform—a subject upon which, by-the-by, he had not yet heard any two gentlemen agree as to their plans; but to suspend precautionary measures, or subject them to considerations like these, would be a sacrifice of public prudence for a mere effusion of popularity. Another hon. gentleman had said, that if this bill passed, no meeting could be legally held to oppose the property tax, or any other unpopular measure. Now, he begged leave to remind him, that the meetings which were formerly held upon that subject, were convened, many of them, by the sheriffs; and completely proved how much the public voice influenced the proceedings of parliament. Upon the whole, it appeared to him, that this bill did not take away from the people any one of their rights or liberties, but was calculated so to regulate and modify them, as to ensure their proper and salutary exercise. Moreover, the proposed term would afford the country full experience of the effects of this measure. He could not but complain of the erroneous statements which had been so often made in that House against his majesty's government, namely—that without sufficient time for due consideration, they had approved of the conduct of the

Manchester magistrates. He was anxious to explain to the House the real history of that fact. On the morning of the 17th of August the first accounts of the meeting reached them by express. On the 18th, two gentlemen, who had arrived with full information of all the circumstances, were examined by his majesty's ministers: on the 19th and 20th they appeared before the law officers of the crown, and all the members of the cabinet: and it was on the 21st, and not before, that the letter in question was written. But, to return to the subject before them, he considered that a period of five years was as short a time as could be assigned to restore the public tranquillity. Under this feeling, it was impossible for him to support a shorter limitation, and he should therefore move, by way of amendment, to leave out the words, "six weeks after the commencement of the next Session of Parliament," and to add instead thereof "five years, and from thence to the end of the next Session of Parliament."

Mr. *Calcraft* began by observing, that if the right hon. gentleman had not, in the termination of the speech, entered into a defence of the thanks which his majesty's ministers had given to the magistrates of Manchester for their conduct, he should not have now spoken upon that subject. It was his decided opinion, that in a transaction which involved the name of the Prince Regent, they should have taken more time, and exercised more care. The present proposition was wrong from the noble lord—the House might easily discover by what—by those large divisions which the noble lord had seen opposed to him. The concession was not owing to any sympathy for the people, to any feeling for their liberties, which were violated, to any wish for, or attempt at conciliation, no, but it was owing to the conduct of those independent gentlemen who had honestly exerted themselves to prevent the passing of so extraordinary a measure upon such grounds. But what was the precedent resorted to for this measure? Why (and it showed the extremity to which the noble lord and his colleagues were reduced), the only one which could be found for this experiment on the liberties of the people—the only one which the noble lord could find, after rummaging over all his books—was the Grenville act; but the House should recollect, that in that case a power was given up which had been abused, and the aid of the other House of parliament was called in to establish that new judicature. Looking to the proposed amendment, and anxiously wishing for something like conciliation, he conceived that the term of fourteen months in the original proposition was too long for such an experiment on the liberty of the subject, and long enough for that inquiry into the state of the country which he thought ought to take place before any strong measure was agreed to. When the inquiry into the proceedings at Manchester was refused, he could not bring himself to believe, that no inquiry would be instituted into the general situation of the country. Something, he thought, should be done, in order to ascertain and provide some remedy for the distress which prevailed in the country. When this subject was alluded to, it was said that gentlemen fled off immediately to the question of reform, as a universal remedy. He did not think so; voting for reform, as he always had done, he did not conceive that that alone would be a sufficient remedy for the evils which were complained of. At the same time he would admit, that a wise and temperate reform would produce a powerful effect in conciliating the people, and whenever the subject should come before the House, he would give it his best consideration. His panacea for the present distress was, that an inquiry should be instituted, in order to ascertain how many were thrown out of employment, and to devise some means of assisting them. For this purpose he would give his vote for a sum of money out of the public purse, to take off the present pressure of distress, until it should be seen whether trade would revive, and bring matters back to their former channel. He had agreed to a vote for the relief of the sufferers in Russia. He had voted for loans to some of our colonies; and should it now be said, after the House had agreed to those votes, that in consequence of the conduct of a few demagogues, no inquiry should take place into the state of the people, and no assistance be given in their distress? His advice was, that a trial should be made, in order to see what could be done: this he said to prevent being taunted with urging the question of reform as the only remedy. He spoke of an immediate substantial remedy — of bread and meat; which, he maintained, should be procured

for those who were labouring under severe pressure; and he felt satisfied, that if such relief were afforded, the itinerant demagogues would soon be without followers. He did not mean to underrate the alarms which were felt for the state of the country; he would, on the contrary, admit that there were bodies of men inclined to do mischief, but he denied that they could overturn the state. That was a result which he could not contemplate from any thing which was alleged of what had occurred in any part of the country; it was a danger which he did not and could not apprehend, on such grounds as were before the House. But while danger was thus talked of, was it considered that there were 11,000 additional men added to the standing army of the country? Was that no ground of security against the danger which was feared? He thought it was; and he would rather depend upon it than upon all the measures which the noble lord could devise. Were not the whole of those measures, connecting them with what he had just alluded to, sufficient to exasperate the people? Were they not rather calculated to make men desperate than to conciliate them in this period of general distress? But it was said, that the distress was only temporary. Why what had been the case whenever any stagnation of commerce, or manufacture, or revenue took place; it was said to be only temporary; but this discontent which was the effect of that distress, was to be considered as permanent, and it was so intended to deal with it. God forbid he should assert, that if the revenue was declining, something should not be done to support it; but what had the right hon. the chancellor of the exchequer done? Why, in those periods of alleged temporary distress, additional burthens were laid upon the people — new taxes, in proportion to their inability to bear them. Could this step be productive of conciliation? There was also the grant to the duke of York; what effect had that produced in the minds of the people? The sum of 10,000*l.* a year could not certainly be considered as very great in the national expenditure; but such were the circumstances under which it was given that, almost every class were agreed in looking upon it as wasteful and extravagant. And yet following up such measures as that, with those which were now proposed, ministers complained that they (the opposition) could not agree with them. It was said to them (the opposition), "Why are you not satisfied to join us now, when we come with open arms to receive you—when we are willing to conciliate?" He would answer, that such measures could not satisfy them, because they were not such as would produce conciliation; because they were uncalled for by any circumstances connected with the state of the country. It had been said, that this bill might be limited to three years. He would object to any extension of it beyond that which was mentioned in the proposition of the hon. member. He conceived that period too long for the suspension of the liberties of the people, and, as he had before observed, quite long enough for the inquiry which he maintained ought to take place into the state of the country.

Mr. *Bankes* contended that if the bill were limited to the short period proposed, it would, instead of good, be productive of considerable mischief. The hon. gentleman proceeded to notice the insurrection under Wat Tyler, and the historical acts connected with it; he also adverted to the disturbances that had been occasioned in Flanders by a party, like the radicals of the present day, wearing the distinguishing mark of white hats. After adverting to several of the circumstances connected with public meetings, he arrived at the conclusion, that some permanent law was required for their regulation; and he concluded by repeating that he thought fourteen months much too short a period for the duration of this bill.

Mr. *Fowell Buxton* troubled the House with reluctance, but it was overcome by a conviction of the necessity of stating the motives for his vote, on a question of such acknowledged magnitude. He differed from the hon. gentleman who proposed that fourteen months should be the duration of the measure, as he was convinced that in that interval the existing ferment would not have subsided. Another and an invincible objection to it was, that if it were so limited, it was certain that at the end of a year it would be effectually defeated. But if he differed from the hon. member, he differed also from the noble lord. The period proposed by ministers was, he thought, much too long. When an inroad was made upon the constitution (and he considered this measure a most important inroad upon it), it ought to continue for the shortest possible period. Still more

was he opposed to the reasons urged on the other side for the longer continuance. The noble lord had declared that he thought the bill would be an improvement on the constitution; but he was content to take it as our forefathers had left it, without any alteration beyond what pressing circumstances required. Surely it could not be seriously argued, that the complicated machinery of petitioning five magistrates, or the majority of the grand jury, in case the sheriff refused to call a meeting, was an advantage not enjoyed under the old system. A right hon. gentleman on a late occasion, with a facility of language peculiarly his own, had supposed a case in which he should be called upon to instruct a mere stranger on the laws and constitution of the country, its external and internal policy, and in all the arcana of government. If such a task had fallen to him (Mr. Buxton), he would have referred the stranger to that part of the bill which called upon any justice or justices, if they thought fit, to prevent any individual from addressing a meeting, and inflicted severe penalties on parties resisting or refusing to obey. What would a stranger think of such a law? Suppose a magistrate, endeavouring to retrieve his broken fortune by a supererogation in zeal and loyalty, should deem it right to stop an individual who was casting reflections on the government. [No, no; hear.] Honourable gentlemen would observe, that it depended on the discretion and interpretation of the magistrate, and he might order any speaker at the meeting to prison for resistance; and then a clause of indemnity was inserted to screen the magistrate in case death or wounds ensued, while the parties resisting were subjected to transportation. The stranger to whom he would show this part of the measure might study from that time until doomsday, and not at last discover that this was an improvement upon the constitution [Cheers!]. The arguments on this question had been so exhausted, that he should confine himself to evidence. He lived in connexion with a class of the community not the richest nor the poorest, the tradesmen of this country; and the more he had seen of them, the more he had learned to admire and respect them. Among them prevailed the most genuine attachment to the principles of the constitution. It had been insinuated that they were disciples of Mr. Hunt; but the celebrated minority of 84 at the late Westminster election was sufficient evidence to the contrary. Next it was said, that they were the disciples of Carlile; but he was convinced from intimate knowledge, that the indignation of the House against the pernicious doctrines of that man was not so great or so sincere as that which was felt by the great body of the tradesmen of this kingdom; they feared that the odious principles recently promulgated would make an inroad upon their children, and destroy the harmony and happiness of their domestic circle. A force of this kind might easily be collected round the government and the constitution that would set at defiance irreligion and disaffection. It must be accomplished, however, by satisfaction and conciliation; and if it were asked, as it had been, what plan of conciliation ought to be adopted, he would fairly say that he would begin by rejecting the present bill, which was to suspend for five years a valuable part of the constitution. He firmly believed that that single act would give more satisfaction, would diffuse more content throughout the whole empire than any other, and would produce more tranquillity than all the laws of force and compulsion that could be brought into action against the people. Another measure of conciliation, and a measure of the utmost value at this time was, a declaration of economy, followed as it ought to be by carrying that declaration into effect. There was a glaring inconsistency in the argument of a right hon. gentleman (Mr. Peel), on a former night; he had shown with great clearness and truth, the wide difference that existed between the inhabitants of Manchester and of other parts of the country—that when trade flourished, the inhabitants of Manchester were contented; and when it was depressed, that they were clamorous for the remedy of some supposed grievance. Yet what was his conclusion from this admitted state of things? That the law which might be so necessary for Manchester ought to be inflicted on the whole British empire [Cheers]. He concluded by stating, that if any gentleman would move that the present bill should be limited to three years, he would support it; but if not, he would rather vote for the extended period of the noble lord, than for the short time proposed to be inserted in the instruction to the committee.

*Mr. Perceval* said, he was fully convinced that the bill would be attended with the

most evil consequences; that it would have an immediate and injurious tendency, and on this account he was called upon to oppose those with whom he generally acted. He would shortly lay before the House the estimation in which he held the right of the people to meet to petition the legislature. In the first place, it had been acknowledged by parliament, in his opinion, much more effectually in the temporary restrictions to which it had been subjected, commonly called gagging-bills, than it had been contravened by the statute of Charles 2nd. He was prepared to contend, that the meetings of the people to petition parliament, whether summoned or not summoned by the sheriff, was their undoubted and constitutional right. He held it to be a most salutary vent for discontent: the saying of Mr. Burke, that this right formed the safety-valve of the constitution, had been already quoted, as it merited, in terms of the highest applause. Let not parliament, then, when the commotion within was at its height from the extraordinary heat applied at the present moment, increase the pressure upon that safety-valve, and thereby perhaps occasion, or at least endanger, a terrible explosion. This might be called an active advantage derived from the right; but of a different nature was that benefit which was derived from the consciousness in the subjects of this country that their complaints could be heard, whenever they thought fit to lay them before their representatives. It was this that gave an Englishman that proud character of independence, that distinguished him from all the nations of the earth. Was it nothing, he would ask, to destroy, or at the best to diminish, this proud independence. It was said that it was a dangerous right—a right that might be injurious to its possessors; but when we took even from the child the sword by which he might be wounded, and supplied its place by a leaden weapon, it exhibited some feeling of indignation at the cheat which was practised. The people of England had too much understanding to be thus imposed upon by those who affected to deprive them of their rights, under the pretence that they would be injurious. Surely there was something offensive in the words "parish meeting;" and this circumstance, trifling as it was, deserved attention, and the solicitor general well knew it, when, from the beginning to the end of his speech, he so studiously abstained from employing them. It was answered, that if the people could not call themselves together, they might still be convened, as of old, by the sheriff or lord-lieutenant; but he had much doubt, whether after the passing of this bill, even those meetings still allowed would not rapidly decrease. Such was his opinion of this bill, that though he thought it ought not to pass for one year, he would rather that it should be passed for five years; because, at the expiration of that period, the whole country would be so dissatisfied with it, and that dissatisfaction would be so loudly expressed, that there would be no difficulty in casting it away for ever. On these grounds, he should vote for the motion, which continued these restrictions for five years, rather than for that which continued them for three years, though he must confess that it was to the latter motion that he felt the best inclined.

A Member said, that he should vote for the amendment of the chancellor of the exchequer, because he considered this bill calculated to serve as a protection to our best and dearest rights. Nothing could be so dangerous to the constitution of the country as the tumultuous meetings which had recently taken place, and if they were allowed to continue, our liberties would certainly fall a sacrifice to them. The act ought to be continued so long as to render the cause which it was intended to repress desperate: this could only be done by continuing it for five years. If it was to be passed only for one year, the disaffected would resume their labours with fresh vigour, as soon as its operation expired.

Mr. *Wilberforce*, after complimenting his honourable young friend on the other side of the House, for the strong and ardent manner in which he had that evening declared himself in support of the liberties of his country, gave his cordial thanks to the noble lord opposite, for having given up his intention to render the measure permanent. It was one of the peculiar excellencies of the British constitution, an excellency which none of the republics of old had ever enjoyed, to be able in times of popular commotion to strengthen the hands of the executive government; and afterwards, when the danger was past, to revert to our former state of liberty and freedom. He should have had great difficulty in bringing himself to vote for the measure, if the noble lord had determined

to persist in his original intentions; but now that he had so far conceded to the wishes of the House as to limit their duration to five years, he had not the slightest objection to strengthen his hands with these powers for that period. He should therefore advise the House, if they thought the danger to be so great as to justify them in passing the bill at all, to select that time for the period of trying its efficacy which was fixed on by the average opinion of all parties; because, if there was any injury done by passing these measures, it was in the way of precedent; and gentlemen who argued in behalf of their duration for three years rather than five, erred equally with their opponents against precedent, and, besides that, endangered the success of the measures themselves, by the reluctance which they evinced to grant the two additional years. This reluctance could only arise from the circumstance that they thought the danger not to be so great as was represented; and if that was the case, how did they reconcile it to themselves to vote for their continuance for three years? To confine those restrictions to certain counties, was also highly objectionable; because, if these radicals would abandon their principles in three years, under the restrictions now proposed to be established in their own districts, would it be right to allow them to have another field to which they might resort? Would it not be giving them a fresh place in which to carry on their trade and occupation? They all knew with what art those deluded and deluding men conducted their designs; and it was but too probable that the publications, which they would disseminate to effect their purpose in the districts not yet contaminated, would be of such a nature as would induce those who read them to go any lengths in the prosecution of the criminal objects held up as worthy of pursuit, though they would not be of such a nature as to render those who disseminated them liable to prosecution in the eye of the law. He should not detain them any longer at the present late hour of the night. He had only been led to express the sentiments which they had just heard from the love which he bore to the constitution, and the conviction which he felt that it was beyond all other things worth preserving. When he heard the question agitated, whether we were in the most danger from the encroachments of the Crown or of the people, he was at first in some doubt; but when he recollected the character and views of such men as Hunt, he felt convinced that they were ten times more dangerous enemies to liberty than any bad minister in this country possibly could be: so that he felt himself justified in adopting the sentiments of the poet,

"Now, half a patriot, half a coward grown,
"I fly from petty tyrants to the throne."

Lord *Milton* asked, what feelings ought to actuate the House when they passed their judgment on the present ministers, who, after acknowledging the value of the right of petition, had come forward and proposed to abrogate it for ever? The only right left by the present bill would be, not the right to meet, but the right to ask an officer of the Crown for leave to meet.

Lord *Clive* wished to correct a misrepresentation, under which several honourable members appeared to labour in the course of the debate. A noble relative of his had never said that there were 100,000 men furnished with arms in the northern counties: he had never stated from his own knowledge whether they had arms or not; he had merely said, that their own estimate of their numbers and strength was to that amount.

Mr. *Marryat* said, he could not but regret that the question respecting the duration of the bill, should have been brought forward in the present stage of their proceedings: it would have been much more convenient, in his opinion, to have gone through the different clauses of the bill in the committee first, and to have settled the duration of it afterwards. If the clauses were filled up in that spirit of moderation which had marked the speech of the noble lord on the treasury bench, he should have felt the less difficulty in agreeing to the more extended term proposed; but if, on the contrary, when it came out of the committee, it contained what he considered as severe and unnecessary restrictions on the liberty of the subject, he should then vote for limiting its duration to the shortest possible period. At present, the House were called upon to decide how long a bill should continue in force, the spirit and character of which they had yet to learn. As far as he could then judge, the period proposed by the motion was too short, and that proposed by the amendment too long; and he inclined to the opinion of the hon. member opposite (Mr. Buxton), that three years

would be a more eligible term than either. He thought six weeks after the commencement of the next session of parliament too short a period, because the House would have to decide upon the renewal of the measure, before sufficient time had elapsed to enable them to form a correct judgment of its effects; and to excite fresh agitation in the public mind, before the present agitation had well subsided. He thought five years, and from thence to the end of the next ensuing session of parliament, too long, because he recollected that the allied sovereigns, after stipulating by treaty that their armies should continue in the occupation of France for five years, considering that period would be necessary for the restoration of tranquillity in that country, voluntarily evacuated it at the end of three years. If then, France, at the conclusion of a war in which the passions of men had been excited to a degree of fury that perhaps never was equalled, could completely recover her tranquillity in the course of three years, surely this country, under present circumstances, could not require a longer term of probation. Being called upon to decide between two extremes, he considered, in the first place, that to renew an expiring law, was easy, usual, and almost a matter of course; but to repeal an existing law, was on the contrary always attended with great difficulty. In the next place he considered, that if he must err at all, it was his duty to err on that side that was most favourable to the rights and liberties of the people; and for these reasons he should give his vote for the shorter, rather than for the longer period.

Mr. *Wynn* did not consider the measure before the House an infringement upon the rights of the people. He denied that it confined that right; on the contrary, it left it undiminished. It was not illegal, according to the provisions of the act, to hold meetings within doors; and before the American war it never was the practice to hold meetings in the open air. It had been said that it was left to the discretion of officers of the Crown to call public meetings; but he did not know that the sheriffs of counties were generally speaking, liable to the influence of the Crown. He knew there was a spirit of loyalty throughout the kingdom that would be sufficient to put down, even by force of arms, the disloyal and disaffected; but he had great confidence that it would be unnecessary to resort to such a measure.

Mr. *Maxwell* bore testimony to the people of his county assembling in arms, and firing off pistols on retiring from the spot. He considered it under all circumstances, his duty not to oppose the measure of the noble lord. He saw no objection to its extending to the manufacturing districts for five years, and to the whole empire for one year.

Lord *Compton* thought that circumstances would necessitate a much stronger measure if the present were not carried.

Mr. *Benett*, of Wiltshire, hoped that three years would be sufficient for the operation of the measure, as before that period, something might be done to better the condition of the people. He trusted that a select committee would be appointed to consider the distress of the country, and propose some relief.

Lord *Cranley* said, he should vote for the amendment of the chancellor of the exchequer, though he was of opinion that it would have been more beneficial to the country, that the bill should have been made permanent [Loud cries from the opposition of "Move that it be made permanent."]

The gallery was then cleared for a division. Colonel Beaumont's motion was negatived without a division. The House afterwards divided on the motion of Mr. Buxton to limit the bill to three years. For it, 153; Against it, 328: Majority, 175. The Chancellor of the exchequer's amendment was then carried in the affirmative; after which the House resolved itself into a committee, resumed, and the chairman obtained leave to sit again to-day.

*List of the Minority.*

| | |
|---|---|
| Abercromby, hon. J. | Calvert, N. |
| Allen, J. H. | Crickett, R. A. |
| Althorp, viscount | Churchill, lord C. |
| Aubrey, sir John | Calvert, C. |
| Burton, R. C. | Campbell, hon. J. |
| Benett, John | Carter, John |
| Beaumont, T. W. | Cavendish, lord G. |
| Barham, J. E. | Cavendish, Henry |
| Baring, sir T. | Clifford, capt. |
| Barnett, James | Clifton, viscount |
| Bennet, hon. H. G. | Colborne, N. R. |
| Benyon, Benjamin | Coke, T. W. |
| Bernal, Ralph | Concannon, Lucius |
| Birch, Joseph | Crespigny, sir W. De |
| Brougham, Henry | Crompton, Sam. |
| Browne, Dom. | Curwen, J. C. |
| Byng, G. | Davies, T. H. |

Denman, Thos.
Denison, W. J.
Duncannon, visct.
Dundas, hon. L.
Dundas, hon. G.
Dundas, Thos.
Ebrington, visct.
Ellice, E.
Euston, earl of
Fazakerly, N.
Fergusson, sir R. C.
Foley, Thos.
Folkestone, lord
Frankland, Thos.
Gaskell, Benj.
Grant, J. P.
Graham, Sandford
Graham, J. R. G.
Griffiths, John W.
Guise, sir W.
Gurney, R. H.
Heygate, ald.
Heron, sir R.
Hamilton, lord A.
Harvey, D. W.
Hill, lord A.
Honywood, W. P.
Hornby, Ed.
Howard, hon. W.
Howorth, H.
Hughes, W. L.
Hume, J.
Hurst, Robt.
Hutchinson, hon. C.
Kennedy, T. F.
Kinnaird, hon. D.
Lloyd, S. Jones
Longman, Geo.
Lister, B. L.
Lamb, hon. W.
Lamb, hon. G.
Lambton, John G.
Latouche, John
Latouche, R.
Lloyd, sir E.
Lloyd, J. M.
Miles, Wm.
Mahon, hon. Step.
Marryat, Jos.
Maberly, John
Maberly, W. L.
Macleod, R.
Macdonald, James
Mackintosh, sir J.
Madocks, W. A.
Martin, John
Mildmay, P. St. John
Milton, visct.
Mouck, sir C.
Moore, Peter
Morpeth, visct.
Mostyn, sir Thos.
Normanby, visct.
Newman, R. W.
Neville, hon. R.
Nugent, lord
O'Callaghan, J.
Ord, W.
Perceval, Spencer
Portman, Ed. B.
Palmer, col.
Palmer, C. F.
Pares, Thos.
Parnell, sir H.
Parnell, Wm.
Peirse, Henry
Philips, G.
Philips, G. jun.
Phillipps, C. M.
Powlett, hon. W.
Prittie, hon. F.
Primrose, hon. F.
Price, Robt.
Rickford, Wm.
Ramsbottom, John
Ricardo, David
Ramsden, J. C.
Ridley, sir M. W.
Robarts, W. T.
Robarts, A.
Rowley, sir W.
Russell, lord G. W.
Russell, R. G.
Rumbold, C.
Scarlett, James
Scudamore, R. P.
Sefton, earl of
Smith, John
Smith, hon. R.
Smith, W.
Spencer, lord R.
Stuart, lord J.
Stewart, W.
Stanley, lord
Talbot, R. W.
Tavistock, marquis of
Taylor, M. A.
Thorp, alderman
Tierney, rt. hon. G.
Waithman, ald.
Walpole, hon. G.
Webbe, Ed.
Wharton, John
Whitbread, W. H.
Williams, Owen
Williams, W.
Wilson, sir Robert
Wood, alderman
Webster, sir G.

TELLERS.

Buxton, T. F.
Calcraft, John

## HOUSE OF LORDS.

*Tuesday, December 7.*

Seizure of Arms Bill.] Lord *Sidmouth* moved the third reading of this bill.

The Earl of *Darnley* did not rise to offer any opposition to the principle of the bill in this stage. He was disposed to allow that a temporary necessity for such a law might exist, though at the same time he thought that necessity had been, in a great measure, occasioned by the improper manner in which the existing laws had been administered but though he might admit the necessity of some enactment of this kind, it did not follow that he should approve of all the powers proposed to be given to the magistrates. What he chiefly objected to, was the power given to search houses by night. Besides, he did not see any advantage that could be derived from retaining that clause, as, after what had passed, it was not to be supposed that persons having arms in their possession, for an improper purpose, would keep them in their houses. On the contrary, it was to be presumed, that they would conceal them somewhere else. The noble lord then alluded to two local acts formerly passed, authorizing the seizing of arms, and particularly to one in the reign of William 3rd, which required the warrant of two justices to authorize the seizing of arms in the day-time. This example, he thought, ought to have been followed in the present bill; and he felt it his duty to protest against the power of entering and searching houses in the night-time.

Lord *Sidmouth* observed, that if the measure were really more severe than the circumstances of the country required, he would willingly consent to any proposition for softening it; but such was far from being the case. He did not set much importance on a precedent either of a remote or recent date, as the necessity of the present measure must be judged from the circumstances which gave rise to it. He could not agree to any alteration in the clause.

The bill was then read a third time, and passed.

## HOUSE OF COMMONS.

*Tuesday, December 7.*

State of the Country—Petition of the Corporation of London.] The sheriffs of London presented a petition from the lord mayor, alderman, and commons, of the city of London, in common council assembled; setting forth,

"That the petitioners have learnt with apprehension and regret that measures subversive of our free constitution have been submitted to parliament by the ministers of the crown, on the pretext of conspiracy for the destruction of all religion, government, and property within the realm; for the defeat of so monstrous a design, did the petitioners believe in its reality, they would be most anxious to employ all the means that they possess; but while such an alarm rests merely upon unauthenticated or anonymous statements which have been submitted to no investigation (however countenanced by the turbulent conduct and inflammatory writings of some misguided or evil-minded men), the petitioners cannot perceive the necessity of any abridgment of our liberties; deeply lamenting the prevalence of discontent, the petitioners humbly recommend to the House, as its only proper cure, a sincere and earnest endeavour to remove all just ground of complaint, and, sensible of the inconveniences arising from frequent large assemblages, and from the want of respect and affection between the magistracy and the people, they respectfully submit that a constitutional remedy might be found in the establishment of a due representation and liberal municipal constitutions, agreeable to the ancient usage and analogy of our government, for those places in which population has extensively accumulated, but which do not yet enjoy them; that the petitioners fully participate in the disgust excited by some late publications hostile to the christian religion and the public peace, yet, as they immediately became the objects of general detestation, and could have been at once submitted to the judgment of the laws, and as they bear an infinitely small proportion to those productions which are favourable to knowledge, virtue, and religion, they seem to the petitioners to afford no reason for subjecting the press to enactments calculated to harass all who are connected with it, to destroy its freedom, and to prohibit some of its most useful labours; that the petitioners trust therefore, that at a time when they anxiously expected an investigation into transactions which have recently called forth an expression of general disapprobation, and hoped for such a redress of grievances and reform of abuses as might allay the irritated feelings of the people, the House will not hastily, and without inquiry, during the prevalence of an unfounded or exaggerated alarm, pass laws on account of a partial and temporary evil, tending permanently and universally to affect the liberty of the subject, and to produce increased irritation, while they are inefficient as to the purposes for which they are designed; the petitioners therefore humbly pray, and earnestly entreat, that should however some measures be thought necessary for the preservation of the public peace, that the House will adopt such only as shall be limited in their extent and duration, and that the next care of the House may be (rejecting the desperate counsels of those who would refuse all concession) to apply itself to the effectual correction of those abuses and defects which have given rise to the prevailing discontent."

The petition was read, after which,

Mr. Alderman *Wood* observed that, in moving that it be laid on the table, he should say a very few words. He could not, however, consent to give a silent vote upon these bills: he had attended with the utmost diligence to the protracted debate upon them, and had not heard a single argument to convince him that an inquiry ought not to be granted before they were passed. After commenting on the statement made by lord Castlereagh, of the immense number of stones found on the place of meeting at Manchester, the day after the meeting had occurred, and after treating as absurd the supposition of the noble lord, that the reformers had marched thirty or forty miles with these stones in their pockets, he proceeded to argue, that great advantage had been derived to the supporters of ministers from the candid manner in which another noble lord (Stanley), had expressed his sentiments on the fatal events of the 16th of August. Both in the House and out of the House it had been supposed that that noble lord had spoken of the facts to which he alluded, from his own personal knowledge, whereas he had fairly acknowledged that he only spoke upon information derived from others. He himself (ald. Wood) had heard nothing but opinions upon this subject: he had heard no facts; and facts were the most important points in this discussion. There were, however, some points on which they were all agreed; and one of these was, the existence of great distress in the nation. Hence arose our existing discontents; and what, he would ask, were the means which had been taken to

allay them, or to remove the cause from which they originated? A committee had, indeed, been appointed, to take into consideration the state of the poor laws. What had been the result of their labours? Why, they had done nothing more than bring forth some new regulations regarding the law of settlements. What might they not have done, and yet what had they really done, with regard to Ireland? It was in evidence before the House, that in that country, there were above six millions of acres uncultivated. Had one of them been put into cultivation? No. And yet the House had voted during the last session 50,000*l.* for the use of those who were willing to emigrate to the Cape of Good Hope. The streets of the various towns in this country were filled with numbers of the lower Irish, who deprived our own population of employment to a certain degree. Surely, it would be as well to send some of them back to their own country, and employ them upon the millions of acres which it contained in an uncultivated state, and yet of a nature fitted for cultivation. This would be a means of relieving part of the existing distress. Other gentlemen would be able to devise other methods; and therefore he implored the House to institute, as soon as possible, a committee of inquiry regarding the most effective way of relieving the miseries of the unfortunate poor. During the course of the debate, none of the speakers, except some of those on his side of the House (indeed from the other side it would be quite idle to expect it), had entered into the cause of their distress; he therefore had great delight in seeing several hon. gentlemen with whom he generally acted, and among them the member for Durham, determined to force upon the House, and not to blink the question of parliamentary reform. Reform was now an object dear to the people: reform they would have; and all the House could do, either by restrictions on public meetings, or restrictions on the press, would be useless. The people would meet, and do as he himself had seen done in manufactories in France and Italy: one person would read to twenty, and the whole twenty, though they might read less than they did before, would certainly hear more read to them. The effect, too, of what was read would be stronger, from the different comments which would be made upon it. Those comments would lead the parties to attach themselves together more closely in private societies; and those societies would eventually prove much more dangerous than the late tumultuary meetings.

Mr. Alderman *Thorp* expressed his satisfaction that ministers had at last determined to render these measures temporary. In saying this, he did not mean to admit that a case had been made out for even a temporary enactment of them. He thought that an exaggerated degree of alarm had been excited, by the large meetings which had been recently so common throughout the country, as many persons attended them from distress, and not from seditious motives. It was his opinion, that the House would have done more to conciliate the people by granting an inquiry, than it could ever do by resorting to measures of severity and coercion. He hoped the bills would receive further modifications when they were in the committee.

Mr. Alderman *Waithman* expressed his decided approbation of every sentiment contained in the petition, and his firm conviction, that, if the evil were so great as had been represented, it would increase, and not diminish, under the present restrictions.

Ordered to lie on the table.

Magistracy of Norfolk.] Mr. *Wodehouse* rose for the purpose of making a communication to the House on a subject connected with lord Suffield, the lord-lieutenant of the county of Norfolk. He should abstain from making any comment upon the documents which he was going to read, and should commence, as a matter of public duty, by reading a letter which he had yesterday received from lord Suffield. The hon. member then read the following letter:—"Gunton, Dec. 4. Dear Wodehouse,—I am exceedingly obliged to you for your letter of yesterday, in reply to which I beg leave to say, that I am not conscious of having acted with any partiality respecting the insertion of gentlemen in the commission of the peace, of which I think the commission itself, with the additions made to it, affords pretty strong evidence. I recollect to have had some conversation with Mr. Coke at general Money's on the subject of the commission, but am not aware of a promise on my part to insert any gentleman Mr. Coke might name; nor, had I been so disposed, did Mr. Coke give me an opportunity, for I never had the honour of receiving an application

from him to that effect; and a list of names sent by Mr. Coke to the clerk of the peace, even supposing such a list to have been sent, could not be considered by me in that point of view. In reference to Mr. Coke's assertion, that gentlemen have been added to the commission by the lord chancellor, in consequence of my refusal, I believe the statement to be absolutely erroneous, and that no such circumstance has taken place since I have had the honour of being lieutenant of Norfolk. I think both yourself and colonel Wodehouse can vouch for my impartiality, as I have certainly declined some applications from both of you, when it did not appear to me there was a want of magistrates, or for other reasons. I am, &c. Suffield." He received this communication yesterday, and had intended to have laid it before the House last night, had not certain circumstances prevented him. In the interval, he had had an interview with the lord chancellor, who had informed him, that he had no recollection of the circumstances to which his hon. colleague had on a former night alluded. Since that period he had received the following letter from his lordship:—" Dear sir—The assistance with which the chancellor is favoured by the custodes rotulorum in selecting persons to be placed in the commission of the peace in different counties, of whose qualifications he cannot have personal knowledge, has established a habit of the chancellor's placing in the commission gentlemen recommended by them. But this is mere recommendation, however much to be respected; and if the chancellor doubts the propriety of placing any person so recommended in the commission, he acts upon his own judgment. If the custos rotulorum declines to recommend any gentleman applying to him to be so recommended, and that gentleman applies to the chancellor, the chancellor judges for himself whether he will place the name in the commission, notwithstanding the objection, generally, if not always, first communicating with the custos rotulorum upon the subject of the objection. I am not able to call back to my recollection the circumstances which may have taken place respecting the Norfolk matter, which has been mentioned. I have a faint recollection that some mention was some time ago made to me, by whom I cannot say, respecting the want of magistrates in some part of that county. What was done upon that I cannot ascertain; but my secretary of commissions having, at my instance, looked into the correspondence and papers for ten years, as he informs me, finds nothing relative to the appointment of justices in that county, in which communication has not been had with lord Suffield. If any other person applied to me, I therefore suppose I must have communicated with lord S.; but the only way, perhaps, in which accurate information can be obtained, is by Lord S.'s inspecting the commission, and seeing whether any names have been therein inserted without communication with him, and on the other hand, Mr. C. should state the particulars to which he alluded. It is possible, though I do not recollect the fact, that I have been applied to, to place gentlemen in this commission not recommended by Lord S. I think it very improbable that I should have placed their names in the commission without observing the civility of communicating to lord S. that such application had been made to me, though, after such communication, I should of course have decided upon the matter as it appeared to me to be right, if there had been any difference of opinion. That there has been any such I do not recollect. It occurs to me to mention, that there are two matters which are exceptions to what is above stated. A gentleman who was recommended by the secretary of state was of course inserted in the commission, and I very lately mentioned the name of a clergyman to be inserted in the commission, whose name I understood, would be found in the next recommendation of the custos rotulorum. Your's, dear sir, Eldon.—P. S. Being informed, since I wrote the above, that Mr. C. stated that he had a personal interview with me upon the subject, I cannot doubt the accuracy of that gentleman's statement, though the fact has escaped my recollection."—He had now performed what he conceived to be his duty, though he thought it right, before he sat down, to corroborate that part of lord Suffield's letter, where allusion was made to himself personally: he could speak with the utmost confidence of the impartiality which lord Suffield had always displayed in the exercise of his official duties.

Mr. *Coke* repeated, that in consequence of a declaration made to him at general Money's by lord Suffield, that he would insert in the commission of the peace the

names of such of his friends as he (Mr. Coke) should recommend, he had left certain names at the office of the clerk of the peace for the county; and was afterwards informed that not one of the gentlemen whose names he had so left was appointed to the magistracy. Having made this application, as far as he could recollect, upon the most gracious declaration of lord Suffield, he was not a little surprised at the refusal which he experienced; and he therefore subsequently applied to the lord Chancellor for the same purpose. The lord chancellor advised him to make another application to the lord lieutenant; but under such circumstances as he had described, every body would see that such a proceeding was impossible. When, therefore, he came to town in the ensuing spring, he wrote to the lord chancellor on the subject, who appointed him a meeting in his private chamber in the House of Lords, where he had never been before, and where he had never been since. The lord chancellor told him, that he would turn the subject in his mind, for he was fully convinced that he (Mr. Coke) would not recommend any individual as a fit person to be appointed a magistrate who was unworthy of the situation. Whether lord Eldon had paid the lord lieutenant of the county the compliment of communicating with him on this point, he could not tell; but this he knew, that all the persons whom he recommended were within four months inserted in the commission, except, indeed, one hon. gentleman, now a member of the House. Whether the memory of lord Eldon had failed him, was not for him to determine: if it had, so much the worse for the suiters of the court in which his lordship presided. But he himself well recollected all these points. As to the impartiality which lord Suffield was said to display in the exercise of his magisterial duties, he must say that, for one, he doubted it. He firmly believed that several of the magistrates had merely been put into the commission for party purposes, and that several of his (Mr. Coke's) friends had been rejected merely because they were his friends. This was the kind of influence which would be exercised in all parts of the kingdom, if the present bills were to pass: it would be extended not only to the magistrates, but to the sheriffs in every county. He did not mean to say that it was extended so far at present; by no means: there had recently been a splendid meeting of the freeholders of Norfolk at Norwich; and too much praise could not be given to the high sheriff of the county for his conduct on that occasion. He had there stated, that it was his firm opinion, that the government were themselves most strongly implicated in the events at Manchester [loud cries of Hear!] It was his opinion, and he could not change it. It was his opinion, because they set their faces against all inquiry, for fear, he supposed, of something coming out which would deeply implicate themselves. Having taken parson Harrison in London without a riot, they were determined to kick up a riot, rather than not have a reason for enacting measures like the present.

The *Speaker* said, that before the conversation went any farther, he could not help pressing upon the notice of the House its irregularity, and the dangerous consequences which it might tend to produce. He ought, perhaps, to have stopped the hon. member who commenced it, but he was not aware of the length to which he would go. After he had allowed the hon. member to proceed through the whole of his statement, it would have been an act of gross injustice to have thrown any impediment in the way of the hon. member who had just sat down. He hoped the House would pardon him for saying, that the conversation had already gone far enough, and farther even than the most lax practice allowed. It was not, perhaps, necessary that their laws and regulations should always be observed to the letter; but unless the spirit of them was preserved, they would not be able to preserve their own dignity, or to carry on the business of the public with that celerity and regularity which was absolutely necessary.

The conversation then dropped.

Penryn Bribery Bill.] Sir *C. Burrell* rose to make his promised motion respecting the Borough of Penryn. He said, he felt it his imperative duty again to bring the subject under the consideration of parliament; he trusted that hon. members would turn their attention to his bill of last session, that he might be enabled to carry it through all its stages. Alterations had been suggested to him in the provisions of it, but he had not seen any reason for adopting them. There had been several instances in which the elective franchise had been extended, and

boroughs thrown open, and it was his firm conviction that they had been attended with great good. This bill had been in the hands of all the members last summer, and therefore he thought it unnecessary to say any thing more at present. The hon. baronet then moved "That leave be given to bring in a bill for the preventing of Bribery and Corruption in the Election of Members to serve in Parliament for the borough of Penryn."

Sir *C. Hawkins* spoke in opposition to the measure, but was quite inaudible.

Mr. *Denison* said, he had suggested in the last session that the elective franchise should be transferred from Penryn to one of the most populous towns of the kingdom, as Birmingham or Manchester, which did not send a member to parliament.—The corruptions of that borough were so notorious, that it appeared to him quite hopeless to think of preventing them, except by removing the elective franchise altogether. His majesty's ministers had resorted to very strong measures—they had sharpened the sword against itinerant orators, and against those who had inflamed the public mind; if they had gone no further it would have been well, but they had adopted a system of coercion against the people instead of one of conciliation. He thought, that had the elective franchise been transferred from Penryn to Manchester, it would have tended much to conciliate the people of that place. On the subject of reform he would say nothing. His hon. friend the member for Durham, had given notice of his intention to submit to the House a motion of that kind, and he had no doubt that it would meet with his perfect concurrence. The noble lord had mistaken the true way to pacify and conciliate the public mind. He might sharpen the sword of the law to put down factious demagogues, but let them throw down the olive-branch to the people.

"Be to their faults a little blind,
"Be to their virtues very kind,
"And clap the padlock on their mind."

Leave was given to bring in the bill.

Cotton Factories Bill.] Sir *R. Peel* moved for leave to bring in a Bill to amend the act passed last session, for the better regulation of Cotton Factories.—The object of the amendment was, when any accident by fire or otherwise took place in a factory, to allow the people thrown out of employment by such accident, to work by night, in such part of the works as were not destroyed, till the accident was made good. If this was not allowed, the worst consequences must arise, from letting loose on society a number of people without employment.

Lord *A. Hamilton* observed, that a case had lately occurred in the county which he had the honour to represent, which proved the necessity for the bill now moved for. Part of the factory of an individual well known to many members of that House, had lately been burnt down, and without an alteration in the law a number of persons would be thrown out of work altogether.

Mr. *Philips* said, the bill now moved for was a complete proof of the absurdity of attempting to interfere between the employer and the labourer. This bill gave a sanction to the most disgraceful practice ever adopted in cotton factories, that of employing persons by night; and yet he did not see how the measure could be refused, without depriving a number of people of work altogether.

Mr. *Brougham* did not see how the present bill could be considered as a proof of the absurdity of the former measure. In a subject of such extent it was hardly possible to provide for every case that might occur, and accordingly the accident alluded to proved that there was an omission in the act; but that omission would now be supplied without delay.

Mr. *Finlay* would have been more willing to vote for the repeal of the former act. His hon. and learned friend had talked of an omission—why it was full of omissions. The accident had happened to the person with whom the bill originated; but had it happened to a person less favourable to the measure, perhaps the hon. baronet would not have shown the same eagerness to supply the omission.

Leave was given to bring in the bill.

Seditious Meetings Prevention Bill.] Lord *Castlereagh* having moved the order of the day for going into a committee on this bill,

Mr. *Hutchinson* said, that before the House went into a committee, he would, with the leave of the House, make a few observations. In the first place, then, he would again express his astonishment and surprise at the intention of the noble lord to extend the provisions of the bill to Ireland. He did not mean to look on this

subject in a narrow point of view. He could assure honourable gentlemen, members for England and Scotland, that no one more heartily entered into their feelings than himself—that no one would be more anxious to assist them in protecting the well disposed and the loyal, if they wanted protection. Having unfortunately witnessed disturbances in his own country—having seen how far the zeal and the fears of men carried them—he was willing to make every allowance for gentlemen on this occasion. But measures of this kind were measures of pains and penalties much more likely to violate the constitution, than to put down the disaffected. Differing as he did from gentlemen who thought these bills necessary, he was yet willing that every protection should be given to the public peace, and even with his purse he was willing to assist—but the assistance he would render, would be very different from the support of measures calculated to overturn the constitution of England. He rose principally to say a few words in favour of that part of the empire from whence he came, and of which he ever felt proud. He did not recollect the precise words that fell a few nights ago from the noble lord, but he recollected, and the House recollected the matter of that speech. He would remind the noble lord of the description he had given of the present state of Ireland—he had described that country as in a state of peace, of tranquillity, and prosperity: he had even gone further—he seemed to have taken credit to himself for the present tranquillity of that country, and he had contrasted her situation with other parts of the empire. From the opening speech of the noble lord, then, there was no reason to conjecture that these bills of pains and penalties were to be extended to Ireland: no one could suppose that her loyalty, her tranquillity, her patience under sufferings, were to be rewarded by a fresh aggression on her liberties. True, the noble lord had stated that the bills were to extend to parts of England not disturbed, but from no part of his speech could it be conjectured that it was his intention, or that it was at all necessary, to extend the provisions of these obnoxious bills to Ireland. If the noble lord had fairly stated such to be his intention, he would have been ready to enter the lists with him, and to convince him,—if his mind was at all open to conviction,—that the bill was not at all necessary for Ireland; that it was uncalled for, that it was unwise, as well as unjust. He would ask the noble lord to recollect the days of the Irish parliament—the days of her glory and of her disgrace—yet even in the most disgraceful and degenerate state of that parliament would the noble lord, at the very moment that he boasted of the tranquillity and prosperity of the country, have dared to go to the Irish parliament and say, "You have been tranquil, you have been prosperous, and I now come down to propose for you a system of pains, of penalties, and of degradation—I propose to disarm your people, to invade the liberty of the press, and to prevent public meetings—I come down to prepare gagging bills and measures which innovate on your constitution." Would the noble lord have ventured to make such a proposal to an Irish parliament? Would an Irish parliament lost and degraded as it might be, have endured so great an outrage? He would ask the noble lord, then, did he mean to dissolve the union—did he mean to disgust the Irish people, more than they were with that odious measure? The noble lord had done enough to disgust that country since the union. He had not, indeed, given any specific pledge—he was too cautious to do that; but he had done enough to shew that it was not intended to observe the spirit of the act of union. He put it to the noble lord, did he mean to outrage, more than they had been, the feelings of that oppressed and insulted people? Was it because some parts of the manufacturing districts of England were discontented, that therefore Ireland—inoffensive and peaceable as she was acknowledged to be by the noble lord, for which she received the praise of the noble lord—was to be visited with a bill of fresh pains and penalties? Ireland, after suffering for ages under the bad, the ungenerous policy of England—Ireland, whose oppressions words could not describe, had yet proved superior to her misfortunes, and had shown a rare and excellent example of good conduct. Why would not the noble lord allow her to remain in this state of peace and repose?—Did he mean to drive the people into rebellion? He might rest assured, that no measure would be more mortifying to Ireland than the extension of this bill. The bill went to prevent public meetings, unless under certain sanctions. It went, then, to prevent Catholic meetings—meetings which had been ever marked by order

and decorum; yet, under the provisions of this bill, the Catholics of Dublin, and of other cities, would not be allowed to assemble in their accustomed meetings, without the permission of the aldermen, the sheriffs, or the lord mayor—men generally speaking, of bigotted principles; they would be then driven to parish meetings, or not to meet at all; and thus, would that feeling of disgust which suffering and injustice must ever create, be greatly increased by a wanton and insulting prohibition: he really did not believe that the noble lord intended to extend the bill to Ireland, when he made his opening speech. Indeed, it was a fact, that some Irish members had voted with the noble lord under the belief that the bill was not to apply to Ireland. He could say more: that inquiries were made by an individual whether the provisions of the bill were intended to be extended to Ireland, and he was informed they were not. He believed it was quite an after thought, to meet the objections of those who might ask, why this abominable measure should be applied to England, to Wales, and Scotland, and not to Ireland. The noble lord seemed to have a second sight on the subject, and he now intended to put this bill down the throats of the Irish. The bill was clearly not necessary by his own statement; yet he would venture to turn round to the Irish members, and say, you must consent to it. The noble lord had said a great deal about the prosperity of Ireland. It was a description to which he could not bear testimony: there was no part of the world where the peasantry endured greater misery and distress—the trade and manufactures of the country were so low, that the chancellor of the exchequer had declared, a few nights since, that it was necessary to continue the protecting duties settled at the time of the Union, for some years longer. And why was it necessary? Because the manufactures of Ireland were in such a state as would end in ruin, if they had not the benefit of these protecting duties. Twenty years of trial had passed away since the Union, and the Irish manufactures were in a state of ruin, and the Irish people in a state of the utmost distress. It was then very strange that the noble lord should talk of the prosperity of a country which required only to be visited to show its poverty and wretchedness. Such was its real situation, and the assertion of the noble lord must have been made in ignorance, or with a wish to deceive. So fully was he impressed with the unhappy situation of that country, that should no other member be found to do so, he would in the course of the session, move for a committee to take the state of Ireland into consideration. Before he sat down, he would for that country, implore the protection of the House: he was sure they would not outrage the feelings of the Irish people. To the principles of the measures, as they affected the rest of the empire, he had objections not less strong. He had seen measures of a similar character tried in Ireland before the rebellion. What could be their object now but to gag the people—to put down their free meetings—to prevent public opinion from showing its front against the ministers—to disarm the people—to expose their houses to be entered at night—and to subject females to brutal insult, or brutal violation!—These things had occurred in Ireland. The noble lord might wish to forget them, but they could never be forgotten there. What would these measures effect? They would drive the people to madness. The system which the noble lord and those who acted with him had pursued for many years, had involved the country in misfortune, and had left the people oppressed with an intolerable load of taxation—and now the work was to be completed by gaining a surrender of all their liberties? The hon. member concluded by saying, that though he was not then prepared with any amendment, he would, in the course of the discussion propose, that Ireland should be exempted from the operation of the bill.

Lord *Castlereagh* said, that the hon. member would have several opportunities of bringing on the discussion he had in view. He might do so in the committee, or on the report.

The House having gone into a committee, the chairman began to read the bill, paragraph by paragraph. When he arrived at the clause, which enables lords-lieutenant, or custodes rotulorum of counties to convene public meetings,

Sir *C. Monck* objected to this new provision, on the ground that it was desirable that different authorities should be as little confounded together as possible. But if it were proper to maintain, in any case, a distinction between the functions of particular offices, it was between those of a civil and military nature.

The lord-lieutenant was a military officer, not of very ancient institution, although, in point of fact, he was sometimes also custos rotulorum. This was not, however, uniformly the case; for instance, in Durham, the bishop, on account of his palatinate rights, was the custos. He could see no good reason for this innovation. If at all admitted, he should prefer seeing the custos only mentioned, or should not object to the authority being confined to the sheriff. This last was always forthcoming, generally resident, and could always act through his deputies. The custos was no other way distinguished than by being at the head of the commission of the peace. In this character he sometimes corresponded with government, but no otherwise held a higher rank than the rest of the magistracy. He now proposed, therefore, to leave out the words "lords-lieutenant."

Lord *Castlereagh* observed, that this clause would not interfere with another, which provided, that the old law should continue in all respects, except only as certain new regulations were added. The sheriff would still have the power of convening the county, and he could not conceive what objection there was to the lord-lieutenant possessing a similar authority.

Mr. *G. Lamb* did not think a satisfactory answer had been given to his hon. friend's objection. His own objection indeed went still further, and he wished to see the names both of the lord-lieutenant and the custos rotulorum struck out of this clause. The power of calling public meetings ought to be confined to persons not under the direct influence of government. Both lords-lieutenant and custodes rotulorum had lately received a pretty plain lecture as to what they were to expect, if they attended against the wishes of his majesty's ministers at public meetings. They now well knew, that if they granted them in such a case, a loss of office would be the probable result. He objected in particular to the creation of too many authorities. It was a vulgar but just observation, that what was every man's business was no man's business. If one officer should refuse to hold a meeting, another might feel disinclined to take a different course. So it might be said with regard to that further provision which extended the same power to grand juries. They would not choose to interfere where others had refused. He wished to see this important authority in the hands of those whose offices were not dependent on the mode in which they excercised it.

The amendment was negatived.

Mr. *Philips* wished some provision to be made applicable to towns in the situation of Manchester, otherwise no meetings at all would take place, except such as were agreeable to ministers. Even on such a question as the continuance of the income-tax, the boroughreeve had refused to call a meeting.

Mr. *Brougham* said, he was sure the noble lord must see the necessity of yielding to this demand. By the bill, as now drawn up, there could be no meeting of whole towns, except they were cities, boroughs, or towns corporate.—Was it known to what extent this exclusion would operate?—They would exclude not only Manchester, more important perhaps than any other town, but several other most populous and important cities; for cities they were, though not so in a legal sense. They were to exclude Birmingham, Sheffield, Wolverhampton, which, though in law only market towns or villages, had grown, by means of the trade and manufactures of the country, to exceed in importance those places which were called cities. It was to exclude also, he believed the borough of Southwark—[The solicitor-general signified his dissent]—He was informed, at least by persons acquainted with the constitution of the borough of Southwark, that it did not come within the description of a borough corporate.

The *Solicitor-General* said, it was not necessary that the place should be a borough corporate.

Mr. *Brougham* said, that the words of the bill were "city, borough, or town corporate," which, in the ordinary interpretation of the phrase, would lead to suppose that it was necessary that the place should be a borough corporate. It was not, however, on the case of the borough of Southwark that he meant to rely, but on those of the great towns which were obviously excluded. He addressed himself particularly to the independent part of the House (there were persons who in every other sense might be called independent, who were connected with the parties which divided it, but) he meant those who kept themselves aloof from any

party :—could they, he would ask, find any solid reason why towns, like York or Exeter, which were cathedral towns, should be allowed to have general meetings, under the same circumstances under which Manchester, Birmingham, and other places, which only differed from the cities he had named by being more populous, more wealthy, and every way more important portions of the community, could have no meetings? He could not help also agreeing with his hon. friend, in the objections made to the naming of lieutenants and custodes rotulorum, and he thought the power should be given to freeholders of certain qualifications to call meetings of their own authority.

Mr. Alderman *Waithman* said, at present it was the undoubted right of the subject to petition; the clause before the House deprived them of it. What, for instance, would be the case in the city of Bath, where a small corporation of twenty or thirty persons were elected by one another, and who were altogether unconnected with the people, so that the members who took their seats for that place were as secure as if they had possession of a freehold estate. In the city of London also, requisitions, signed by eighty and one hundred persons, had been refused, and when the citizens had taken the only opportunity that had occurred to state their sentiments, they had been prosecuted by the attorney-general. It was better to say at once that the bill was to repeal the Bill of Rights, or to confine the meetings of the people to those parochial ones which alone it would be possible to be held. As to the six days notice which was made necessary, what would become of the right of petition, when the noble lord followed the example which he had now set of hurrying through the House bills against the constitution? What petitions could overtake him? If a bill was brought in to repeal the Habeas Corpus altogether, and Yorkshire or Devonshire, or any other distant county was to be called upon, the bill might be passed before the petition, with the utmost expedition which this new law admitted, could be decided upon. He wished to have a clause inserted to compel the magistrates, when called on by a certain number of persons, to call meetings. The bill, if passed in its present state was a repeal of the Bill of Rights, and a subversion of the constitution.

Earl *Compton* said, he had to propose an amendment, which was in accordance with the principle on which he had supported the bill. That principle was, that the right of meeting was a valuable part of the constitution, though the limits within which it should be confined, had of late been overstepped. He wished to grant the power of convening a county meeting to twenty freeholders possessed of at least 100*l.* per annum, in the county; or, if the number of twenty was deemed too small, to thirty. He wished to lay down the principle, that property had a right to be heard, and also to relieve the magistrates from the odium of refusing meetings, when the sanction of that number of respectable persons could not be obtained—when it could be conceived there could be no danger from the meeting. If this bill was to continue, which he hoped it would not (though the suggestions of his noble friend were rather ominous), some such clause as that which he proposed was the more necessary. He had consulted many of his friends who were not in opposition to ministers, and they saw much objection to the bill as it stood. He had, therefore, offered this amendment as not being attached to any party, but if to any, rather to that of the ministers, he had thought it would come with a better grace from him than from those who opposed the bill altogether.

Mr. *Maxwell* referred to the power to be granted for calling meetings in Scotland. In Scotland, he said, the sheriff, being an officer appointed by the Crown, was in some measure an objectionable person in whom to repose the right of refusing or sanctioning public meetings. The same observation might be made with respect to the lord advocate. He should therefore propose, as an amendment, that after the words "or any meeting called by the convener of any county or stewartry," the following should be inserted—"or ten persons legally qualified to be commissioners of supply." These were persons of respectability, who had a great stake in the country, and therefore were not likely to give their countenance to meetings which were calculated to place that stake in danger.

Lord *Castlereagh* said, that this amendment was the same in principle as that proposed by his noble friend, and, if it were adopted, would at once go to destroy the very end which the bill was

framed to secure. The object of the bill was to prevent those tumultuous meetings which had heretofore taken place, and at which so much pains had been taken to subvert the constitution. The ordinary practice was, for the sheriff of the county to convene public meetings; and it was now proposed to associate with him a certain number of the magistrates of the county, in whom a confidence might be reposed, for the preservation of the peace, and the suppression of those acts which might be injurious to the public welfare. If, however, power were given to twenty freeholders, in such a county as York, to convene a meeting, no such confidence could exist; for the House very well knew that there would be no difficulty whatever in gaining the consent of twenty freeholders, qualified as his noble friend had described, to countenance proceedings which might be altogether at variance with the principles of this measure. In refusing to accede to this proposal, too, no real injury would be done to the right of petitioning; for the inhabitants, although not permitted, unless under certain restrictions, to meet in large bodies, would still have the means of meeting in their respective districts, and of coming to such resolutions as their supposed grievances might warrant. It was the meeting in military array, and under circumstances of strong disaffection, that had induced his majesty's ministers to propose this bill; and it was as a security against such alarming assemblages, that it was proposed to make the presence of responsible persons necessary. If meetings were to be called by twenty freeholders, no such security would exist; and it was with this conviction on his mind, that he should set his face against the amendment of his noble friend.

Mr. *J. P. Grant* said, the bill was altogether of such a nature, that he could not even attempt to improve it without some degree of pain. At the same time he could not help observing, with regard to both amendments, that the observations of the noble lord who had just addressed the committee only showed the excess to which he was willing to carry that principle in his own mind which had led to the proposal of this measure—he meant a principle of distrust towards the people of this country. His distrust was not merely directed towards those wild and visionary politicians of whose doctrines the House had heard so much, nor even to the lower classes of society; but was directed towards those country gentlemen who, from their situation and character, were least likely to excite suspicion. That which the noble lord meant to insinuate was, that twenty freeholders, of 100*l.* a year each, were so blind to their own safety, or so ignorant of what was due to the safety of the country, that they would unite in calling a county meeting under circumstances which must necessarily be productive of great danger to the community. The same observation of course, applied to the persons to whom he had referred in the amendment respecting Scotland. The qualification legally required in Scotland for a person holding the situation of a commissioner of supply, was 100*l.* a year; and could it be supposed that those persons would unite to call a meeting which they must know from the state of the country would be attended with danger? He begged leave to say, too, without meaning to detract from the rights of the gentlemen of England, that in Scotland this would be more justly conceded than in this country. In Scotland there were no grand juries; and to this was to be added the fact, that the sheriff was an officer appointed by the Crown, holding his situation for life, and looking to the Crown for his promotion to some high judicial situation. If the people were to look to him alone, therefore, for calling them together, it was scarcely necessary to say, that circumstances might occur in which his inclination might be in opposition to their wishes. While he was on his legs, he would call the attention of the House to the state of the boroughs of Scotland. It was well known that the large cities there were governed by corporations; and it was likewise well known that there was not a single city in Scotland in which the corporate body, the head of which was to have the power of convening meetings, had the slightest connexion with the population of the country. They were appointed by one another, and invariably elected their own officers.

Lord *Normanby* said, that though he had felt it necessary that some steps should be taken with respect to public meetings, he had felt great repugnance to the continuance of the bill for a long period, which repugnance had been much increased by the objections which he had heard the noble secretary of state offer to

the amendment of the noble earl. He found now that meetings were to be prohibited, not merely when called by demagogues, or by the lower classes, but when called by persons of property. They were told, however, that the people might meet in smaller divisions, but even in those cases the magistrates, by frittering away the time, might render the privilege in many cases nugatory. This opinion had actuated him in voting on the last night for making the duration of the bill as short as possible, and the rather, because he felt that he could not vote for limiting the bill in point of space. He should most willingly support the amendment, but would suggest that the number of freeholders should be greater than twenty.

Earl *Compton* said, he would willingly alter the number to thirty.

The *Lord Advocate* said, that if the amendment of the noble lord were adopted with respect to England, he should have no objection to its adoption towards Scotland. But he apprehended that, with respect to Scotland, it was not at all necessary. The persons authorized to call meetings in Scotland were, in the first place, the sheriffs or the stewartry. It was very true that the sheriff was appointed by the Crown, but he was not removable by the Crown; and he believed he might with perfect confidence state, that there was no instance in which this officer had ever sacrificed his duties from any influence used on the part of the Crown. The conveners of the county were appointed for the express purpose of convening public meetings; and he believed there was no occasion on which a convener had been called upon, in which he had refused to call a meeting. He thought those persons fully adequate to all the purposes of assembling the people in Scotland. He might add, that from the nature of the commission of the peace in Scotland, all persons qualified for becoming commissioners of supply were included, whether they were in favour of government or not.

Mr. *Mansfield* considered that if this amendment were adopted, the bill might as well not be passed at all. This bill was intended to protect the loyal and peaceable inhabitants of the country, and if the restrictions proposed were agreed to, it would prove fatal to those who wanted to put down sedition and rebellion. He believed twenty freeholders might be got in any county, who would call a meeting for improper purposes. What reason was there for confining all the virtues of the community to freeholders of 100*l.* a-year? Why not extend them to freeholders of forty shillings a-year? Were they not as loyal as those of 100*l.* a-year? He thought the proposed amendments were extremely absurd, and calculated to destroy the object of the bill.

Mr. *Brogden* reminded the committee that the amendment of the noble earl was not under their consideration.

Lord *Althorp* said, that the amendment of the noble lord, and that of his hon. and learned friend, were the same in principle. His only object in rising was, to state that the qualification proposed by his noble friend, to entitle 20 or 30 freeholders to call a meeting, was precisely the same as that which qualified an individual to become a justice of the peace. The only difference was, that the noble secretary of state made 5 freeholders of 100*l.* a year each, sufficient to watch over the safety of the public peace, while his noble friend proposed that that number should be extended to 20. He did not conceive that there was any danger in this regulation, and therefore he should vote for the amendment.

The *Attorney General* appealed to the experience of the committee, whether the mere fact of holding a freehold of 100*l.* a year was considered a sufficient qualification for appointing a magistrate. It was true, that a qualification of that nature was considered necessary; but there were other qualities still more important that it was requisite he should possess. The principle of the present bill was to prevent those meetings which were so frequently called without legal authority. It had often been doubted whether a sheriff had, in point of fact, the power to call the county together. This doubt the present bill would set at rest. It should be recollected too, that the grand juries of counties, to whom a power was also given to call meetings, were almost all magistrates. [Cries of "No!"]. During his experience on the circuit which he had been in the habit of going, this had been the case; and in addition to this, the same power was given to the lord-lieutenant, and *custos rotulorum*; so that no restrictions could exist which were not in all respects necessary to suppress meetings, which no man who had looked to the state of the country for some time

past could deny were highly dangerous to the public peace. He denied that the sheriff was an officer of the Crown; it was true that he was appointed by the Crown, but then the names of three persons were sent by the county as fit persons to hold the office, and the Crown only selected one of them. In his opinion, however, no sheriff who valued his own character, would merely from political differences refuse to call a meeting of the county. With respect to the amendment, he conceived that it struck directly at the principle of the bill, and if it were adopted, the House might as well not pass the measure at all. It could not be denied that in such a county as York or Lancaster, twenty freeholders qualified in the way which had been stated, might be found capable of giving their sanction to proceedings directly at variance with the good order and peace of society.

Mr. *Kennedy* thought, that even if the amendment proposed with respect to England were rejected, yet that the amendment respecting Scotland ought to be adopted. In Scotland, the people would labour under greater disadvantages than those in England; while in justice both countries should be placed on the same footing. In the first place, Scotland had no such person as a *custos rotulorum*. In the next place, the lord-lieutenant was a military officer, and therefore one upon whom the people could not rely for affording them the means of political discussion. Then the sheriff was an officer appointed by the Crown, and held a judicial situation, with which it would be extremely improper to mix up political animosities. It would be highly injudicious to impose upon that officer a duty which was calculated to diminish the universal respect in which he was held. As to the convener of the county, it was true that that individual was liable to be removed from his office, if he did not act according to the pleasure of those who appointed him; but he was one of the people themselves, and had only the power of calling together the commissioners of supply. It was customary, indeed, for that officer to summon meetings of the county; but he had no right to do so.

Mr. *Denman* supported the amendment of the noble lord. This provision, if inserted in the bill, would be expressly the same in principle as the clause relating to parish meetings; for, supposing notice to be given in the one case, as was required to be done in the other, there would clearly be no difference between them. The attorney-general had said, that the clause as it now stood was consistent with the other parts of the bill, which required the sanction of some legal authority to a meeting; but this he denied altogether, for there was, in fact, nothing in the principle of the bill that said the constituted authorities must be present. It appeared to him, that the proposition of the noble lord coincided perfectly with the other provisions; and the argument of his learned friend was clearly unfounded, because, of all the authorities mentioned, the sheriff was the only one that could be considered legal; and the lord-lieutenant, if he attended at all, must do so in the character of a military officer. As to the argument of another hon. member, that this provision was intended to support the right of the people to meet, he could not see on what view it was founded, unless taking away the rights of the people was synonymous with supporting them.

Lord *Binning*, in reply to the argument of the hon. and learned gentleman, said, he would mention, with submission to the learned gentleman, that there was a difference between the principle of the amendment proposed respecting county meetings, and that which in the bill was applied to parish meetings; and that difference consisted in the notice of meeting which was required in the latter case. His hon. friend had said, that in Scotland there was no *custos rotulorum;* but it should be considered that in that country the lord lieutenant had, in some degree, the appointment of the magistracy. The next security provided in the bill was the sheriff of the county. An hon. and learned gentleman, however, had described the sheriffs of Scotland as persons who looked to the Crown for preferment, and therefore not likely to act in opposition to the wishes of ministers. He doubted whether this was generally the case; but at all events, admitting it to be in some instances true, it did not universally apply to the sheriffs of Scotland. The matter, however, did not rest with the sheriff; for the convener also might call a meeting, and though the convener was entitled only to assemble the commissioners of supply, still it was known that county meetings were generally called together by that officer. As to saying that magistrates would not be found who would call a meeting contrary

to the will of the minister, it could not be denied, whatever gentlemen might say for the sake of argument, that there were as many magistrates attached to opposition principles as there were to ministerial.

Lord *Ebrington* observed, that it had been asked whether in such counties as York and Lancaster, the requisition of twenty freeholders of 100*l.* a year each could be called a sufficient security: in reply he would state, from his knowledge of the fact, that there was no class of his majesty's subjects better disposed towards the constitution than that description of persons—the independent yeomanry. If the object of the noble lord was to put down dangerous meetings only, the proposition of his noble friend, if adopted, would have that effect; but if the original clause were carried, it would take away the right of meeting altogether. He should therefore give his hearty support to the amendment.

Lord *Castlereagh* said, that no meetings were touched by this provision, but those that were held out of doors; and, therefore, the question was narrowed to this—whether the House would have the security of the magistrates for the safety of such meetings, or throw them open to the will of evil-disposed persons."

Mr. *Boswell* suggested, that by omitting that part of the 25th clause which preceded the words "within that part of the united kingdom called Scotland," the power of calling a meeting would be reserved to the same magistrates in Scotland as in England.

Sir *Robert Heron* wished to set the Attorney-General right in what he had said respecting the sheriffs. He himself knew an instance in which a sheriff had been hired by the Crown after the person appointed to the office had refused to accept it. [Cries of name, name.] He should not name the gentleman who accepted the office, because he did not wish to hold him up to public view; but the person who refused it was Mr. Calcraft, of Lincoln.

Lord *Strathaven* begged leave to inform the hon. baronet, that Mr. Calcraft did serve the office of sheriff.

Sir *R. Heron* said, that was perfectly true, but it did not in the slightest degree contradict what he had asserted. Mr. Calcraft did serve the office of sheriff for the county of Lincoln last year, but the proposition to which he had alluded had been made to him several years ago.

Mr. *Bathurst* said, the hon. baronet did not seem to know that if the person appointed to the office of sheriff made an excuse, the Crown had no power to appoint another, except from the list of those nominated. It was evident, therefore, that if Mr. Calcraft refused this office, the person who did accept it could not have been appointed by the Crown, except according to the regular forms.

Mr. *R. Martin* declared, that if the amendment was passed, he would immediately apply for leave to return to Ireland. He thought it very likely that twenty persons of the description proposed by the noble earl might be disposed to call a meeting for a very improper purpose. He would appeal to the committee, whether the sense of a county might not be better taken in small sections than by assembling large meetings. He protested against such meetings as the noble earl proposed to call by his twenty freeholders, at which no person would be able to make himself heard by his lungs, or in any other manner than by banners and flags [A laugh.]

Sir *C. Monck* said, that if the object of the noble earl was only to regulate these meetings, and not to prevent them altogether, he ought to state what would be a proper amount of the tenures of freeholders to constitute a sufficient security for the proper conduct of a meeting. If this were specified, the requisitionists might send the requisite security to the lord-lieutenant, and the latter ought then to be bound to call a meeting. If this was not to be the case, parliament was taking away the right of meeting.

Earl *Compton* suggested, that if twenty freeholders did not afford a sufficient security, the number might be increased to thirty, in those counties which were supposed to be in a disturbed state, such as York and Lancaster.

Lord *Castlereagh* said, that if he understood the noble lord, he had now three distinct propositions before the committee. Finding that the first was not tenable, the noble lord had told them to throw the bill over the table, and thus send his hon. friend off to Ireland. The noble lord had said, that it should be compulsory on the sheriff to call a meeting; that because the people were not pleased to meet in parishes, and because twenty persons could be found in the county who wished to call a meeting, the magistrates should charge themselves with the public peace.

The noble lord, however, seeing that this proposition was no more palatable than the other, came at last to his strong hold, and proposed to take away the principle of the bill, and therefore he (lord Castlereagh) considered his last position the most untenable of all. He was of opinion, that unless the noble lord wished to render the bill entirely nugatory, he must withdraw all the three propositions.

Sir *C. Monck* was surprised that the noble lord considered it a new proposition, that a sheriff or a magistrate ought to comply with a requisition to call a meeting. Whenever an officer was intrusted with authority, any person subject to that authority might call on him to exercise it for the protection of his rights; and if, under such circumstances, a magistrate refused the protection required, the court of King's Bench might issue a *mandamus* to compel him. He wished to know whether the sheriff should be compellable to call a county meeting on the requisition of twenty freeholders of 100*l.* a year. He had no objection to raise the qualification to 200*l.* or even 500*l.*, but he was anxious to know the terms of the amendment precisely.

Lord *Folkestone* wished the House to understand the proposition of his hon. friend behind him (Mr. Maxwell), which he was sure was not generally understood, as the situation of the commissioner of supply in Scotland was confounded with that of freeholder in England. He begged the committee to remark, that county meetings could be convened in England by officers who did not exist in Scotland, or who could not by this bill exercise the power of calling meetings. In Scotland there were lord-lieutenants as well as in England; but in England they could call meetings, while in Scotland they could not by the present bill. In England there was a *custos rotulorum* who could call county meetings; in Scotland there was no such officer. In England the sheriff could call county meetings, and the same power was lodged with the sheriffs in Scotland; but in that part of the kingdom, looking to the Crown for preferment, sheriffs could not be expected to be very friendly to meetings called to complain of grievances. In England five justices of the peace could call meetings; in Scotland, if he rightly understood the bill, they could not. In Scotland there was an officer who could call county meetings unknown in England—he meant the convener of the commissioners of supply; and this officer was said to have the singular property of never refusing to assemble the county upon a requisition properly signed. The noble lord wished there were such officers in England. Some difficulties, however, might be thrown in the way of meetings if they depended solely on the convener, who might be out of the county. The convener of Renfrew was a member of the House, and in attending his duty in parliament, might find it impossible to comply with a county requisition in Scotland.

Lord *A. Hamilton* differed with his noble friend who had last spoken, on the construction of the bill. It gave to lords lieutenant and five magistrates, the same power of calling county meetings in Scotland as in England. If this were not the case, he wished the attorney-general to declare so.

The *Attorney General* said, the act, applied to Scotland in the same manner as to England, with the difference only of the denomination of the officers.

Mr. *Brougham* allowed that the attorney-general might mean to apply the bill to Scotland, but he had not used sufficient words. The law should be precise, and not taken on the interpretation of the attorney-general.

The committee divided — For the amendment of Mr. Maxwell, 81; Against it, 261: Majority, 180. Lord Compton then withdrew his amendment, in consequence of seeing the sense of the committee against him, by the previous decision on the amendment applicable to Scotland. On the clause for convening parochial or district meetings,

Mr. Alderman *Wood* proposed as an amendment, that the power of calling the meetings should not be limited to aldermen in the city of London, but extended to three or more of the common council of the ward. If the power was confined to the aldermen, there were many wards that never would be permitted to hold meetings. They had no halls. The churches were, on the Manchester business, refused, and therefore unless the power was given to the deputies, or some of the common council, as was now the practice, a great proportion of the inhabitants of the city of London would be denied the right of expressing their complaints by petition.

Lord *Castlereagh* did not think the objection of the worthy alderman war-

ranted any special regulation. There were rooms sufficient in the wards where they could assemble; and if any difficulty on that head existed, he could recommend them a very convenient place in his neighbourhood, namely, Willis's Rooms. He must object to the amendment, as it was directly opposed to the principle of the bill.

Mr. Alderman *Wood* believed the noble lord would not be much pleased at meeting ten or twelve thousand persons marching up to any meeting in his neighbourhood. He was determined to take the sense of the committee.

Mr. Alderman *Waithman* believed that the amendment would destroy the principle of the bill; for as its object was to destroy the right of petitioning altogether, therefore any amendment that went to give a facility to the exercise of that right was at variance with the principle. The measure itself was so hateful that he was not disposed to recommend it by any modification. Let it go out with all its imperfections on its head, to meet that public reprobation which it would experience.

Sir *W. Curtis* opposed any alteration in the old practice. He thought the aldermen of London fully entitled to confidence, and it was not to be presumed that they would abuse it. For his own part, as an alderman, he should not like to be interfered with by the common council.

Mr. Alderman *Wood* said it was notorious, that many of the aldermen constantly refused to convene ward meetings. It was better at once to declare that three fourths of the inhabitants of London should not meet at all.

Mr. Alderman *Waithman* rose, but was received with loud laughing on the ministerial benches. He said the reception he met with was too often tried to have the effect of dismaying him. It was undeniable that many of the aldermen of the city of London uniformly refused to convene ward meetings. In his ward, which contained one-fifth of the population of the city of London, his predecessor never would call a meeting: it was uniformly done by the deputy, or some of the common council.

The gallery was twice cleared for a division, but none took place. On our return we found alderman Wood contending for the insertion of words calculated to extend the powers given to corporate bodies by the bill, to the livery of London. It was understood that a clause to that effect would be subsequently proposed.

Lord *Castlereagh* proposed the insertion of words, for the purpose of bringing all meetings in the open air, called for the purpose of deliberating on questions of trade, manufactures, wages or professions, within the operation of the bill. The noble lord founded the propriety of his proposition on the abuse which had been practised on such meetings, where persons assembled for the avowed purpose of discussing the interests of their trade, or the state of wages, were diverted from that subject, and led to consult on resolutions of a wholly different nature, such as annual parliaments and universal suffrage.

Mr. *Marryat* referred to the meetings of merchants, bankers, and traders, of the city of London, which, on occasions of great emergency, had been held on the Royal Exchange, no room being large enough for the purpose. Two meetings of this description had taken place within his recollection; one when so much danger was apprehended from the propagation of French revolutionary doctrines, the other on the suspension of cash payments by the Bank. The resolutions passed at those meetings had been productive of the happiest effects; had strengthened the hands of government, and given confidence to public credit; but as this bill now stood, no such expression of the sentiments of that great and respectable body could in future take place. In his opinion, all restrictions upon the meetings of commercial men were unnecessary. They could only be too numerous for any room to contain them, in a few large cities; and where that was the case, their opulence, and consequently the stake they had in the public welfare, must be commensurate with their numbers.

Lord *Castlereagh* replied, that he had the highest veneration for meetings of the character alluded to by the hon. member: the last thing he should apprehend would be, that sufficient authority could not be obtained for the assembly of the merchants and bankers of the metropolis.

On reading the clause empowering magistrates or justices of the peace to allow meetings to be held in parishes,

Mr. *G. Bankes* suggested the propriety of making some provision with respect to extra-parochial places. The principle of the bill was to give to all ranks of people a right to meet somewhere or other

for the purpose of petitioning, and therefore it was necessary that persons who resided in extra-parochial districts should be distinctly recognized. A provision similar to that contained in the militia acts would answer every purpose.

Lord *Castlereagh* said, he had clauses to bring up at the close of the bill, which would meet this and other objections.

On reading the clause which directs that the notice of an intended meeting shall be personally served on some justice of the peace residing near the parish or township in which such meeting is intended to be held,

Mr. *Bernal* objected to it, and contended, that the notice ought to be considered sufficient, if it was left at the usual place of residence of the justice.

The *Attorney General* said, the clause was framed for the purpose of preventing persons who wished to hold a meeting for an improper purpose, from purposely leaving notice at the residence of the justice, when they knew he was absent.

Mr. *Bernal* said, that as the clause stood, a magistrate, not wishing to have a meeting in his parish, might absent himself purposely. In that case, what power had those persons who were desirous to call the meeting of effecting that object?

Mr. *G. Lamb* expressed his concurrence in the propriety of the objection.

Mr. *Bathurst* defended the clause as it was framed; which, after a few words from lord Compton, who argued that the alteration proposed was unnecessary, was agreed to, without amendment.

When the clause was read which enacts that there shall be no adjournment of meetings held for the purpose of deliberating upon any public grievance,

Mr. *J. P. Grant* objected strongly to it. He conceived it was a great hardship, where individuals were unable to bring to a conclusion at one meeting the business they had met to transact, that they should not be allowed to adjourn to a more convenient time.

The *Solicitor General* defended the clause, which was, he said, framed to prevent the unnecessary extension of public meetings.

The clause was agreed to. On the clause being read pointing out the description of persons who should be deemed eligible to attend county meetings,

Lord *Castlereagh* stated, that he had an amendment of some importance to propose. The alteration was, to allow persons holding freeholds of the amount of 50*l.* per annum, in any county town, being in itself a town and county, to attend county meetings. He proposed this sum, because it was possible, if the sum was very trifling, to create fictitious freeholders; but when the freeholders was of this amount, the notoriety of the fact would prevent spurious freeholders from making their appearance. Persons who were legally entitled to attend a meeting would thus be enabled to detect and take into custody, individuals who might wish to intrude themselves, and whose presence would give such meeting a character of illegality. If freeholders of the lowest grade were admitted, their numbers in many county towns were so great, that persons who did not possess any claim whatever to the character might mix amongst them, without detection; but a fifty pounds freehold had attached to it sufficient notoriety to prevent the chance of an intruder of that kind passing without discovery.

Sir *R. Fergusson* said, he despaired of improving or rendering palatable a bill which was so highly unconstitutional. As it applied to Scotland, it was exceedingly defective. Unless the word "heritor" were introduced, as well as "freeholder," a great body of respectable men, men possessing considerable landed property in that country would be prevented from meeting. He begged leave to advert to what the noble lord had lately said with respect to certain manufacturers of Scotland, which, although perhaps it was not intended, conveyed a severe calumny against that body. The noble lord had stated, that a meeting of manufacturers had recently been held for the purpose of considering the rate of wages; but that a few radicals got amongst them, and they immediately forgot the subject they had met to discuss, and proceeded to debate on a political question. In the name of a large body of people in the county to which he belonged, he believed the noble lord's statement to be totally with foundation. There were a great number of manufacturers in the county of Fife, and to their honour he could state, that although their wages were reduced to a mere pittance—a pittance not sufficient for their subsistence—they behaved with moderation and propriety. A radical meeting took place in that part of the country about a month ago. Very few attended it. The parties by whom it was projected passed through a populous town

containing from 15,000 to 20,000 inhabitants; but scarcely more than 100 persons joined them. There were said to have been 500 persons present on that occasion—of these he believed very few were radical reformers; and he was convinced that even those who were, harboured no designs again the state, but were merely following up the foolish notions of major Cartwright. He wished farther to state, that, while the manufacturers were thus peaceably conducting themselves, the wages which some of them obtained for labouring fifteen hours a day, amounted to but 2*s.* 6*d.* per week, and the best manufacturers did not receive more than six or seven shillings per week.

Lord *Castlereagh* observed, that his only object was to make the reality of the freehold so much a matter of notoriety, that it could not be mistaken.

Mr. *W. Smith* adverted to what he conceived the groundless fears of the noble lord, as they regarded the facility with which the qualifications to attend at these meetings, might be transferred to radicals by actual freeholders. They would surely be more eager to retain their qualification in quietness, than to be at the trouble of vesting others with it.

Mr. *Wynn*, in alluding to the fourth clause of the bill, said, that he did not see, as it was at present worded, how it would be in the power of the magistracy to exclude a great number of persons, who, without being freeholders, might attend all meetings to which freeholders were summoned by name, and insist upon overhauling their proceedings.

Sir *R. Heron* observed, that in the county to which he belonged, it had never been the custom or practice to confine meetings called by the sheriff to freeholders only.

Lord *Althorp* wished to ask, whether it was the intention of the hon. gentleman to say, that every person, not a freeholder, but attending such meetings of freeholders, would be guilty of a misdemeanor?

Mr. *Wynn* certainly did mean to affirm, that any inhabitant, or householder, had no more right to attend such meetings, provided they were summoned as meetings of freeholders, than any other description of persons whatever.

The *Solicitor General* said, that the object of the clause to which the hon. gentlemen alluded, was, that any meeting, whether of householders or freeholders, which was attended according to the limitations of the act, should be held to be a lawful meeting. But it did not take away the same right which was before secured to freeholders, of excluding from their meetings any other persons.

Mr. *Primrose* said, that if he understood Mr. Wynn correctly, he meant to make the act more severe than had been intended even by ministers themselves. The hon. gentleman's intention seemed to be, that an inhabitant or householder attending a meeting of freeholders, would become guilty of a misdemeanor, and be liable to to two years imprisonment.

Mr. *Honywood* wished to ask whether the clause was intended to apply to the county which he represented. The election took place always in the public road, so that no traveller could help mingling with such an assembly, and rendering himself by consequence liable to the penalties of the bill. He needed not observe, that this would be a most flagrant violation of the constitution.

Lord *Castlereagh* apprehended that it would be necessary to protect meetings against improper intruders by a police much stricter than had hitherto been employed for that purpose.

Sir *C. Monck* hoped the hon. gentlemen on the bench below him would not forget to remind the noble lord, at a future stage of the bill, of the proposed admission of copyholders, as well as freeholders, to these meetings.

Mr. *Graham*, member for Hull, wished to suggest the case of a meeting called for the purpose of putting in nomination a new member to represent a town or county in parliament, a parliament having been just dissolved. In such a case, would the old member have a right to attend his constituents, to render an account of his past conduct in their service? His reason for asking the noble lord this question was, that he happened to represent a town of which he was neither a freeman nor a householder. There might be other honourable gentlemen similarly circumstanced with himself. He was not, however, anxious about the fate of any one clause in particular of this bill, for he objected to its principle altogether.

Lord *Castlereagh* had supposed that meetings for the election of burgesses could not be imagined to fall within the scope of this bill; and it seemed impossible that any difficulty should be entertained upon the case put by the hon. gentleman.

Mr. *Brougham* contended, that the difficulty of his hon. friend was perfectly natural and well-founded. That some difficulty, in whatever degree it might have been anticipated, was pre-supposed by ministers themselves, was clear from a part of the clause which concluded thus—"Provided always that nothing herein contained shall be construed to extend to any member of the Commons House of Parliament attending any such meeting, as aforesaid, in any county, city, borough, town, or place, for which he shall be serving in parliament." But this provision only extended to members actually serving; not to those gentlemen who had served.

Lord *Castlereagh* observed, that if a meeting was convened for an innocent purpose, to discuss whether it was a fine day, for instance, or to debate upon an election, the law did not interfere; but if they proceeded afterwards to topics leading to the overthrow of the constitution, that was the case in which the penalties would be incurred. But as he had already stated, he was willing to put the cases of elections entirely out of the bill.

Mr. *Brougham* declared, that the noble lord had not removed the objection by any thing he had said, and pledged himself to show, when the clause was brought up, that it was far from being an answer to it.

Mr. *Williams* proposed as an amendment, to enable all persons who had a right to vote for members of parliament in corporate towns to attend at meetings for the discussion of any matters arising out of the conduct of their representatives.

After a few words from lord Castlereagh, the gallery was cleared, but the amendment was negatived without a division. Lord Althorp proposed an amendment, which went to confine the operation of the clause, which makes it a misdemeanor for non-residents to attend public meetings, to those who spoke.

Lord *Castlereagh* said, that one of the most valuable properties of the bill was, that it put the magistracy in the situation of ascertaining that most difficult of all points, the exact state of circumstances under which meetings were liable to be dispersed by the powers of the law. If it was not a misdemeanor to attend such a meeting, any person might come to it—there might again be assembled meetings of 100,000 men, and therefore no object would be gained by passing the present bill. Casual comers to these meetings were kept free from harm by the words, "knowingly and wilfully," which had been added to the clause.

Mr. *W. Smith* maintained that the clause, as it now stood, was contrary to the practice of the constitution as it existed from time immemorial. He could suppose a case, which was not at all an improbable one. A member on vacating his seat and going into the country, might pass through some town with which he was totally unconnected and in which a public meeting might be convened. Anxious to hear how the good people of the town argued on political questions, he might go to the meeting, and then, according to this clause, he would become liable to all the severe penalties which this bill created. This was a sufficient reason to induce him to vote for the amendment.

Mr. *Marryat* considered the provisions of this clause unnecessarily severe: The curiosity which the noble lord on the treasury bench had inveighed against in such strong terms of reprehension, and was so desirous of repressing, had been hitherto considered not merely as innocent, but laudable; being nothing more than a desire to gain information on those political topics, in which every subject in a free country had a direct and legitimate interest. When the noble lord expressed his apprehensions, that such numerous assemblages of the people as had lately taken place at Manchester, might again occur, he forgot the other clauses of the bill which effectually guarded against that danger. Surely if the meetings were divided and subdivided into sections of parishes, if the magistrates had the power of regulating them both as to time and place; if parties were prohibited from coming to them in military array, or with arms or weapons of every description, or with drums or any kind of music, or with flags, banners, emblems, or other insignia, ample precautions were taken against their being too numerous. The truth was that nineteen people out of twenty who attended the meetings in question, went there out of mere idleness or curiosity, and not from any interest they felt in the political questions that were to be discussed there. They went as they would go to a fair, to a fight, to a race, to a review, or to any public exhibition; but now all the attractions that had led them there were taken away, they would go no longer. The other clauses of the bill not only

guarded against these meetings being numerous, but against there being dangerous, for even if ill disposed persons did attend, they must come without weapons and consequently without the means of doing mischief; and if any proposition was propounded, or a single syllable uttered, which the magistrate thought might tend to bring his majesty's government into contempt, or excite the people to sedition, he had the power of immediately dissolving the meeting. For these reasons, he considered this clause wholly unnecessary. The committee should recollect, that they were legislating, not for the radical reformers alone, but for the well affected and loyal classes of his majesty's subjects, and therefore they might not go farther than the necessity of the case actually required. If they adopted measures of unnecessary harshness and severity, they would run the risk of alienating those who were entitled to be treated with every degree of tenderness and conciliation, and might aggravate the evils they intended to avert. He should, therefore, feel himself bound to vote for the amendment of the noble lord.

Mr. *Robinson* said, that hon. gentlemen appeared to misunderstand this clause entirely. If they considered it attentively, they would see that it was absolutely necessary in order to give effect to the intentions of the bill. Unless some provisions were made to prevent the inhabitants of one parish from attending the meetings of another, the entire population of different parishes might flock together upon any meeting called in one of them, and all those evils be created which the country had so much reason to deplore.

Mr. *Primrose* thought that the right hon. member when he stood up so vehemently for this clause, had forgotten the penalties which were contained in another part of the bill. The enactments of the present bill were far more severe than those of the Riot act, and yet owed their origin to a state of affairs much less dangerous. Indeed, the clause which punished with transportation for seven years any person who did not depart after proclamation was made to disperse, was so severe that it would inevitably destroy itself. To attend a meeting in a district to which an individual did not belong, was also to be punished with two years imprisonment: a strong necessity ought to be shown before such a punishment was inflicted upon an action which in itself was innocent. The haste with which it was attempted to carry these bills through the House was extreme; as that time was not allowed to the people for petitioning against them, which was generally allowed them on a common tax bill. If it had not been for the recent discussions upon them, which had occasioned the delay experienced in forcing them through the House, this bill would have passed in all its original deformity, and would in the language of the noble lord who introduced it to their notice, have been "a permanent beneficial bill for the people." As to the present clause, it would not affect those who were engaged in any treasonable conspiracy; it would not affect those who, to use another of the noble lord's phrases, were in a state "almost bordering on rebellion;" but it would affect, and it was passed for that purpose, the independent part of the community, and would prevent them from assembling in such numbers as were necessary to give effect to the object of their petitions or remonstrances.

Mr. *Bathurst* supported the clause, on the ground, that if the amendment were passed, it would render the whole bill ineffectual.

Lord *Folkestone* did not know whether he could make that subject clear on which his noble friend had endeavoured, but apparently in vain, to enlighten gentlemen on the other side. But with what justice could it be said, that it was intended, by this amendment, to render the whole bill nugatory, when it left so many of *its* penalties in full force? One of *his* reasons for voting for it was, because he did not deem it right that any person who went by chance and innocently to a public meeting in another district, should be rendered liable to an imprisonment for two years, and, what was still worse, to a discretionary fine of an unlimited amount. The intention of the bill was, it was said, not to suppress discussion, but to put down itinerant orators. Did not his hon. friend's amendment provide as strongly as any clause now in the bill for that object.

Mr. *Brougham* rose, and after commenting on the arguments against the amendment, proceeded to state, that even under this bill great county meetings might be regularly called. Now, it was evident that great and important affairs might occur, which, even in the opinion of a lord lieutenant, a sheriff, or any of

the other bodies who were to be empowered with authority to convene meetings, might require a meeting to be convened. It might be of the very greatest importance to call such a meeting, and it might be of no less importance that the proceedings at it should be accurately and correctly given to the public. How was this in future to be done? Not by those who usually gave the reports of such proceedings; for an hon. and learned gentleman opposite had treated those individuals as if he considered them far below his notice. Nay, if it were not for the free constitution of the country, which the attorney-general was using his every endeavour to subvert, he did not know whether he would allow them to exercise their functions at all. The attorney-general had said that it did not signify whether they were allowed to attend public meetings or not. He (Mr. B.) was of a very different opinion: it signified much to the country; it signified much also to themselves. It was their trade, it was their profession, just as much as it was the profession of the attorney-general to appear in a court of justice to defend his clients, or in that House to defend the rights of his constituents. The wording of this clause, therefore, was of much importance to the reporters, and also to the country; for if the country had not these men to perform these duties, how would it have, what was of the last importance, correct accounts of public proceedings? The country might indeed still have reports; but how must those reports be obtained? The attorney-general, who stood on such an eminence, might not know the manner in which these reports were obtained; but he who was not so elevated, he who was nearer in station to those who gave them, knew it well. He would say it confidently, that the reporters would not come under any of the exceptions mentioned in the bill. They were not freeholders of counties, they were not freemen of boroughs, they were not resident inhabitants or householders within them: how, then, could they attend public meetings under such restrictions as were now contemplated? No, the country must be left without any intelligence from them, let the subject on which a meeting is called be ever so momentous. There had been at former periods meetings to inflame the loyalty and patriotism of the country—meetings which were attended to by the Houses of Parliament. Those meetings for general purposes would have been rendered useless and ineffectual by such an exclusion as was contained in this clause—an effect which he acquitted the noble lord of having intended, for he was convinced that the noble lord's object was only to exclude Mr. Hunt and his columns. The proceedings, therefore, at meetings, how important soever, could not be known to the public. Who could, he would ask, give an account of their proceedings to the public? The first personage there was the lord-lieutenant; but he was not likely to be an accomplished short-hand writer. The next was the high sheriff, a very respectable person, but not likely to be an adept in stenography. There were besides the freeholders, the yeomen, and the country gentlemen, and admirable reporters they would make! These, if the member for Montgomeryshire obtained his object, would be the only persons allowed to attend county meetings. He would ask, then, what tolerable chance of an accurate account of the proceedings could exist, if this exclusion formed part of the bill?

The *Attorney General* hoped the committee would excuse him for saying a few words in reply to the most unprovoked and most undeserved attack which had been made upon him. He had not said a syllable on the subject of reporters, and yet the hon. and learned gentleman had said that he had treated them as if they were unworthy of his notice. He asked, what had called forth such an attack upon him? He had been paying all the attention in his power to the noble mover of the amendment, and to the hon. and learned gentleman, and had intended to reply to their arguments, as well as his humble talents would enable him. But there was nothing said or done by him which could relate to reporters, but as they might come within the provisions of the act. What right had the hon. and learned gentleman to suppose that he had so treated reporters? But how did the hon. and learned gentleman himself propose to treat them? He would leave them within the reach of the clause making it felony to remain after proclamation to depart. He hoped the committee would excuse him if he showed some warmth, because the attack made upon him was most undeserved, unprovoked, and, he could not help saying, with a view to make him obnoxious to that respectable class of persons with whom he

did not expect to stand on the same footing as the hon. and learned gentlemen. He would now offer some remarks upon the proposed amendment. The clause would prevent the attendance of strangers. It was therefore necessary, in justice to those who legally attended, to make it a misdemeanor in others to attend. Such a clause would ensure the legality of the meeting, and prevent persons from incurring the harsher penalty of felony.

Mr. *Brougham* explained. He had been led to make the remarks he had made, not merely by the cheers, but by the attitude of contempt with which his hon. and learned friend had received the first mention of reporters [Cries of No, no! from the back seats of the ministerial side.] The hon. gentlemen behind might easily say no, no; but they could not possibly have seen his reason for misunderstanding his hon. and learned friend. He admitted that he had misunderstood him. He thought that he had even heard his hon. and learned friend contemptuously repeat the word "reporters." At least, this was not the first time in which notice had been taken by members, not only of words spoken, but of cheers and gestures.

The *Attorney General* said, it was for the committee to form their opinion, whether any cheers or gestures on his part had deserved the remarks made by the hon. and learned gentleman. He had no recollection that he had cheered at all. He had been remarking upon the arguments used, to his learned friend who sat next him.

The *Solicitor General* said, that his hon. and learned friend had remarked to him, that the clause would have the effect of excluding reporters, but had not cheered. The hon. and learned gentleman ought to have been satisfied, and throroughly satisfied, before he had replied in the style he had done.

Mr. *Denman* lamented the interruption which had arisen from this altercation; and regretted the warmth into which the attorney-general had suffered himself to be led. He regretted the tone of the attorney-general, produced by the altercation to which he had alluded, because he thought he had opposed the amendment in consequence, with greater vehemence. His objection to the clause was, that it kept alive quarrels at meetings. Why should it not be left to the discretion of the magistrates to suffer strangers to remain to the conclusion of the meeting? Strangers might be present, properly and meritoriously, as at meetings when the distinguished candidate at Liverpool delivered speeches, and might listen for the purpose of improving their minds. The amendment would have been so much for the interest of the other side, that he had hoped the clause would have been withdrawn, but for the personal altercation which had taken place.

Lord *Castlereagh* said, there had been nothing in the gesture or manner of his hon. and learned friend to justify the remarks that had been made. If any thing had occasioned those remarks, it had been on his lordship's part, not from disrespect for the persons alluded to, for whom he felt no disrespect, but because he had said that the amendment, if introduced for the purpose of admitting reporters, would alter the whole frame of the bill. The noble lord then defended the clause against the objections urged by the opposite side.

Mr. *Stuart Wortley* said, that in his opinion there was a great deal in what had fallen from the hon. and learned gentleman on the other side, of the importance of admitting reporters. He thought it of very great importance that we should know what was done at public meetings. Publicity had been of the greatest service during the late meetings; it had opened the eyes of the country to the views of those who agitated it. But he was aware of the difficulty of admitting the amendment, because a great number of persons might attend in the first instance, and occasion much inconvenience and mischief, if the clause were withdrawn. He, therefore, did hope that provision might, in some other way, be made for those whose object was reporting.

Mr. *Maxwell* agreed in the importance of giving publicity to the proceedings of public meetings. He opposed the amendment, because persons had come from Manchester and Leeds to tell those who conducted meetings in his part of the country, what they should say, and how they should act. The radicals had also availed themselves of the attendance of persons from mere curiosity, and had represented them as friends of annual parliaments and universal suffrage. He was decidedly against the radicals, though a sincere reformer, and representing a part of the country abounding with sincere re-

formers; yet he thought that free discussion ought to be permitted to the radical reformers, and he considered it of great importance that reporters should be present at their meetings, and at all other meetings.

Mr. *R. Martin* thought it prudent to prevent reporters from attending meetings. It would be dangerous to let publicity be given to the seditious nonsense of parish parliaments.

Mr. *S. Wortley* said, that if the object, which he thought a great one, should be adopted, it ought to be introduced in a clause by itself.

Lord *Castlereagh* said, that if at all introduced, it should be in a specific clause; but he thought it a very serious question whether reporters ought to be allowed to attend.

The amendment was negatived. Mr. W. Smith said, he conceived it was highly improper to proceed further at so late an hour (past one) and moved that the committee should report progress. Lord Castlereagh observed, it was not an hour usually considered inconvenient for business. Mr. W. Smith said, he felt it a public duty to prevent matters of such consequence to the public from being proceeded in at that hour, and he should take the sense of the House on the question. The committee then divided: For the adjournment, 34; Against it, 166: Majority, 132.

Mr. *Brougham* trusted it was not intended to go into any of those clauses which were likely to produce discussion. The result of the division, he presumed, would only be to agree to those parts of the bill on which no controversy was expected to arise. This, indeed, he took to be the understanding of many who had voted with the majority; and he must be permitted to add, that it was in this view only that he and his friends could consent to give the committee no further trouble.

Lord *Castlereagh* knew that there were certain means by which a minority might protract the passing a measure, and retard the course of business in that House. But it was a great error to suppose that those on his side had understood, that, after such a division, any hon. members would think it consistent with their public duty to put in force this power of renewing motions for adjournment. In his conscience he believed that the public safety was deeply involved in the immediate progress of this measure. The hon. and learned gentleman, who was thus induced to oppose it in every way, had, a few nights since, risen at a much later period, and had spoken two hours, not certainly confining himself with much strictness in any part of that lengthened address to the question before the House. Yet now, such was the feebleness of that circle of friends by whom he was surrounded, that he appeared determined to throw every obstruction in the way of a bill that went to provide a remedy for as great an evil as any with which this country had ever been threatened. At all events, he felt satisfied that the House and the country at large would think that he had only done his duty in bringing the question to an issue with the hon. gentlemen on the other side.

Mr. *Brougham* remarked, that he had been represented as having troubled the House on a late occasion for two hours, upon a subject still more general and various than the present. He begged leave to say, that he had then addressed the House, and at that length with great and unfeigned reluctance. The reason was not, that he was reluctant to discharge a public duty. The pain he felt arose from perceiving that he addressed himself to so many members who seemed determined to hear nothing that differed from those views which they had already taken. He grieved to say, that he had then found himself in a House of Commons ready to pass the most severe measures against their constituents, and which would hear nothing in their defence—a house, that while it was dwelling upon the tumult and confusion of other popular assemblies, and regarding all other popular assemblies as a rabble rout incapable of any deliberation, was itself an audience which had given him a reception not often experienced at the most stormy meetings. He must confess he had felt ashamed. The reason for the length at which he had troubled them on the occasion alluded to, was the speech of the noble lord's right hon. friend (Mr. Canning), whose speech had occupied three hours in its delivery. No doubt, it would have been very convenient to the noble lord, that that speech should have been left unanswered. This, however, had not squared with his own notions of public duty. His impression was, upon the present subject, that the numerous clauses of this most important bill could not be properly discussed or investigated at that hour. On its future stages, he could assure the

noble load, that he and his hon. friends would not refuse their assistance in rendering the bill more effectual for its purposes; as in its present shape it was not adapted to the ends professed to be had in view. And he implored the House, if immediate alarm had not utterly indisposed them to all candour and deliberation, not to press forward such an alteration of the ancient law as this bill was about to introduce.

The motion for reporting progress was then renewed, and carried unanimously. The House then resumed; and the chairman reported progress.

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## HOUSE OF COMMONS.

*Wednesday, December 8.*

TRAINING PREVENTION BILL.] Lord Castlereagh having moved that this bill be read a first time,

Mr. *Stuart Wortley* said, that some circumstances had recently come to his knowledge which made him think it necessary that this bill should go through all its stages in as short a time as possible. Up to this time it had been said that training existed only in Lancaster. He had now documents in his hands which showed that it extended to Yorkshire, and was spreading to an alarming degree. He had been informed that a number of persons had been seen drilling in the neighbourhood of Barnsley last Friday night. He immediately wrote, desiring his informant to lay his depositions before sir —— Wood. He held sir —— Wood's letter in his hand. It stated that the training at Barnsley was notorious. He had also a second letter, containing the examination of persons whom it would be imprudent then to name, who had witnessed trainings of upwards of 200 men near Barnsley, on the nights of Monday, Tuesday, and Wednesday. The men had poles about eight feet long, which they exercised as muskets. On Monday night deponent was within 150 yards of these men, and it being light, he could see on the tops of the poles something shining like bayonets, and which he believed to be pike-heads. This morning he had received a letter from a gentleman named Forbes, a man whose politics were rather opposed to his own. That gentleman had witnessed a body of from 70 to 100 training on the night of Tuesday the 30th ult. They had poles about 8 feet long in their hands; and he distinctly heard the words halt—march—stand at ease, &c. repeated several times. Two of the party advanced towards him, and asked his business; he answered—"What the d—l are you about?" The men returned to the party, and he fearing danger, rode away. Since this he (Mr. Wortley) had been informed that the drilling was openly carried on, not only at Barnsley, but at Barton and the neighbouring towns, in defiance of the law. He hoped the House would see the danger which existed, and the necessity of preventing it from gaining ground, by speedily passing this bill into a law.

Mr. *Tierney* said, that no one could be more anxious than he was to put down any of those practices against which this bill was directed. But at the same time he was desirous of proceeding with due caution, and in such a manner as not to establish a precedent for mischievous measures hereafter. The House would see that they were now called on to proceed without observing their usual forms, not on any communication made by his majesty's government, but on a communication made by a private individual, however high the character of that individual might be, and whatever credit might be due to what had the sanction of his authority. It was singular enough that these communications, instead of being made by lord Sidmouth, or even by the lord lieutenant of the county in which the training was said to take place, who was a member of that House, should be made by one of the members for that county. With respect to the practice of training, if this practice was not already liable to animadversion, he was willing to make it so. He had thought that by the existing laws, this practice could be stopt; but he now understood this was not the case. If the practice was not now punishable, it ought with all convenient dispatch to be made so. No friend of liberty could wish a practice of this sort to go on unchecked. But, then, see how the House was placed. There was nothing on their journals as a warrant for their proceeding, which was merely founded on the communication of an individual member of the House. When the House at once passed the bill suspending the Habeas Corpus act, they proceeded on a message from the throne, and a communication from his majesty's ministers, and it was proper to pass the measure, if at all, without delay, because otherwise the per-

ties against whom the measure was directed, having notice of it might make their escape. But here there would only be two or three days more drilling at most, and if the numbers drilled, instead of 2 or 300 were 2 or 3,000, he did not think that would make much difference. He was on this occasion as sincerely desirous as the noble lord opposite could be of coming forward fairly to put down the practice of training, but he could not help thinking they would be laying the foundation for a dangerous precedent, if they were to pass this bill summarily, without evidence.

Lord *Castlereagh* observed, that the Crown had already made a communication to the House with respect to the existence of the practice of training, and, therefore, in passing the bill in the manner proposed, they would not be proceeding on the information of any individual member. But if they were to pass the bill two stages to-night, and to go into a committee to-morrow, perhaps this would be satisfactory to all sides.

Mr. *Curwen* said, that much as he lamented the existence of the practice of training, he could not entertain the smallest doubt, that this practice had taken place in the neighbourhood of Carlisle, as he had received the information from various respectable persons who had seen the parties. He owned that at one time he was in considerable doubt as to the fact of trainings taking place; but now he had not the least doubt. The inhabitants of the neighbourhood were most anxious that a stop should be put to this practice without delay.

Mr. *Stuart Wortley* said, that his noble friend, the lord lieutenant of the West Riding of Yorkshire (lord Lascelles), had felt it his duty to leave town last night for Yorkshire, after the adjournment of the House. He was the more anxious this bill should pass without delay, as a meeting was advertised to be held at Barnsley on Monday next, and it was held out by those people who proposed to attend the meeting, that they were to go armed—a circumstance which had caused no small alarm in that neighbourhood.

Lord *Lowther* expressed his conviction, that training in a regular manner, had been practised to a great extent in the northern counties.

The *Lord Advocate* bore his testimony to the existence of similar practices in Scotland.

Sir *James Graham* said, that the inhabitants of Carlisle were under very great alarm, lest they should be attacked. At the same time he must say, the inhabitants in general were well-disposed, and the number of the disaffected very small. He did not believe the number of those who were badly disposed exceeded 4 or 500; but still these persons had arms in their hands, and were able to destroy the whole place. The cutting down of plantations had taken place to a great extent, for the purpose of obtaining staves to their pikes. The magistrates discovered that pikes had been made by blacksmiths to a very great extent. One of those who communicated the circumstance to the magistrates had received an order to make twelve dozen of pikes; but the other blacksmiths who had received orders did not choose to make any communication. Every inhabitant of Carlisle looked up to his majesty's ministers for protection, and if they did not receive that protection from ministers, they would look up to the opposition for it [laugh]; for they must have protection.

Mr. *Brougham* said, he was rather surprised that any magistrates should entertain a shadow of doubt as to their power of preventing these nightly drills. If seventy or eighty men, even if they were armed only with clubs, but certainly if they were armed with pikes, met at midnight, or under the cloud of night, for the purpose of training, there was only a shadow of difference between this crime and the highest crime known in law, that of levying war against the state. Surely those who thought the meeting at Manchester illegal, ought to think a meeting by night of persons, armed with pikes, illegal. Those who saw these practices ought to have given warning to the magistrates, who should have called out the yeomanry, and if the yeomanry were insufficient, the military also, to put down these trainings, and endeavour to secure some of the persons engaged in them. It was now between two and three months since he was in Carlisle, and he then heard the same account which was now given. Good God! where were the magistrates all the while? As to their saying they looked to his majesty's ministers for protection, and then to the opposition—he would merely observe, why did they not look to their own magistrates? He had no manner of doubt that the practice of training was illegal, and a new law was

only advisable to adopt penalties more specific than those of the common law of the land. The measure would also have the effect of a parliamentary denunciation against those mischievous persons who dared to commit such an offence.

The *Attorney General* said, that several individuals had been committed for trial, at the last sessions, for the offence of training, but they had traversed. It was undoubtedly true, that if it were possible to establish the purpose for which men met armed by night, that amounted to high treason; but the hon. and learned gentleman must know, that there was a great difficulty in getting at that proof; and then they could only be indicted for the lowest offence in law—misdemeanor. But, in consequence of the traversing, there had been as yet no conviction, and consequently no example had been made. He needed only to state also, what was seen from the papers before them, the difficulty of getting evidence as to such training, the persons who had gone to see them having been attacked and maltreated. He trusted that the alarm now felt would induce individuals, at all hazards, to put down this practice, and that they would not suffer themselves to be intimidated by threats from doing so. After this act, he had hopes that the specific punishment would have the effect of preventing the repetition of this act. It had been said, if the Manchester meeting was illegal, surely there could be no doubt these nightly meetings were illegal; but the Manchester meeting had been held up to the country as a legal meeting, and thereby considerable difficulty had been thrown in the way of magistrates.

Lord *Stanley* was surprised at the incredulity which the hon. member for Carlisle intimated, that he had till recently entertained with regard to the existence of these practices. All he could say was, that in the county of Lancashire they had been going on for a long period, and it was matter of general astonishment that legal proceedings had not been before instituted. Several persons had indeed been apprehended, but no prosecution had followed, and they were dismissed on promises of good behaviour. This was done, he believed, from doubt as to the illegality of the offence charged. He agreed with Mr. Brougham, that it was an offence at common law; but if it were not, it evidently ought to be made one; for it created not only alarm, but real danger. At the same time he did not wish to see it adopted without some time for consideration.

Mr. *Curwen* said, his original doubt existed, because he had not at that time met with any person who had actually seen this drilling and training practised. Whatever might be the case in Lancashire, he was firmly persuaded that the far greater part of the people in Cumberland were loyal and well disposed. He never would believe until the fact was proved to him, that any men could be desirous of overthrowing a constitution under which they enjoyed so many blessings.

Mr. *S. Wortley* was quite satisfied with the mode proposed by his noble friend, which would mark, in some way, the feeling of the House. He had no hesitation, on the part of the magistrates of Yorkshire, in saying that they considered themselves perfectly warranted in proceeding against the persons who met for training: the only difficulty was in obtaining proof against individuals—but he believed such proof was now obtained, and he expected some of them were in custody.

Mr. *J. P. Grant* concurred in all that had been said, as to the immediate necessity of putting down practices which were as illegal as they were dangerous. He wished, however, to learn whether they were not understood to be confined to very small districts in Scotland.

The *Lord Advocate* replied, chiefly to the neighbourhood of Glasgow.

Sir *C. Burrell* thought that the information communicated by magistrates should always be treated with respect. It was too much the custom, on one side of the House, to represent such information as coming from government spies.

Lord *Folkestone* gave his assent to the object of this measure, which he should have thought useless if the magistrates had done their duty.

Mr. *Calcraft* agreed that training was an offence which ought to be put down. The House by showing an unanimous opinion to that effect, would, he was satisfied, recover many from delusion, and secure the punishment of irreclaimable offenders.

The bill was then read a first and second time.

NAVAL EXPENDITURE.] Mr. *Hume* called the attention of the House to the

subject of our present naval expenditure. A resolution, he observed, had been passed respecting it, when the last three millions of new taxes were imposed. Six months had since elapsed without any attempt at reviewing this expenditure. His own opinion certainly was, that not one pound ought to be spared in order to render our naval force efficient. This was due to the honour as well as to the safety of the country. It was at all times of more vital importance than the state of our army; and however splendid the recent achievements of the latter, they had been preceded, and an opportunity opened to them, by the unrivalled victories of our navy. When he compared, however, the present expenditure for this branch of the public service, being between 6,000,000*l.* and 7,000,000*l.*, whilst we had only 19,000 seamen, with that of the years 1791, 1792, and 1793, it appeared enormous. The chief cause of the increased expense was, the much greater number of ships now employed. We had no less than 607 ships, of which 97 only were at sea. Although at the present moment there were 607 ships in his majesty's service, yet there were no less than 120 other vessels building in the different dock-yards. From the estimates on the table for 1819, the expense for building alone was 1,850,000*l.*—a sum which, at a period like the present, he submitted, was far beyond any necessity which could exist. The great point, however, to which he wished to call the attention of the House, was the extraordinary disproportion between the disbursements in this department during the years 1792, 1793, and 1794, and those of the present period. If the papers for which he should move were granted, the House would be enabled to see the real state of the case. Surely, no satisfactory reason could be assigned for building new ships, which would cost upwards of a million sterling, at a time when we had more than 600 sail capable of being called into immediate service; and at a time, too, when every consideration demanded a decrease, rather than an increase of the public expenditure. He could not refrain on this occasion, too, from stating how much he regretted the addition which, within the last few days, had been made to the marine force. These corps might now be considered almost as a part of the standing army. They were no less than 8,000 strong—a number far exceeding their strength at any former period. Their utmost amount heretofore was 5,000 at any one time. He had submitted the motion with which he should conclude, to the proper officers, and he believed there was no objection to meeting his wishes. It was thought that some difficulty would arise in furnishing the details of the accounts which he required; but this difficulty would be obviated when he stated, that he only wanted the totals or aggregates of the expenditures during the years to which his motion would refer. The hon. gentleman concluded by moving, That there should be laid before the House a return of the total number of Ships and Vessels belonging to the royal navy during the years 1791, 1792, and 1793, and during the years 1817, 1818, and 1819, distinguishing their different rates, the number of each employed at sea, and the number in ordinary during each year; a return of the number of ships building for the royal navy during each of the above years; a return of all charges incurred for building the same; a return of the total amount of the charges under each separate head, with a statement of the sums actually expended during the three years ending in 1794, and the three years up to the present time. If these accounts were submitted in a succinct manner, the House would see that the question was of the first importance, and that, in the single department of building, a very considerable saving might be made.

The question having been put from the chair,

Sir *George Cockburn* said, he did not rise to promote debate, nor to oppose the production of these papers, so far as they could be given. But it appeared to him, that the larger part could not be made up with sufficient accuracy for the hon. gentleman to found any argument upon them. As far as they could be given, however, they should be laid on the table of the House. There would be no difficulty whatever in furnishing correctly the accounts for the last three years; but those for the years 1792, 3, and 4 were kept in such an irregular manner as almost to preclude the possibility of laying them before parliament in a satisfactory state. The hon. gentleman in the course of his observations, had indulged in remarks which were altogether erroneous; one of these was, that a great many ships were rotting. This applied of course to the

ships which were in ordinary. Now, the fact was, that so far from such ships being in a situation to rot, they were actually improving; and, in proportion to the time they were in ordinary, their excellence increased. Thus it was said, "if you let her lie two years longer in ordinary she will run ten years; or, if you let her lie four years, she will run twenty years;" and so on. In truth, it had long been a subject of anxiety to discover the means of curing that most destructive enemy to ships of war, the dry rot. It had, at length, been ascertained, that exposure to atmospheric air was the true remedy; and, therefore, vessels were opened from one end to the other, and exposed as much as possible. The effect of this management was, that the navy had never been in a better state than at the present moment. With regard to the necessity of continuing to build, he could only state, that many of the old ships were falling to decay, and therefore it was necessary to supply their place. The policy of keeping up this vital force of the country was too obvious to require a single comment.

Sir *Joseph Yorke* said, he thought the object of his hon. friend, in bringing forward this motion, had been mistaken. What he conceived to be his hon. friend's intention was, that by the production of these papers, such a disproportion would be found to exist between the expenditure of 1792, 3, and 4, and the expenditure of the last three years, as would lead the House to see that a very great reduction might be made in the supplies granted for the service of the navy. In the propriety of this proposition he fully agreed, and he saw no reason why there should not be as great a reduction in the manufacture of ships of war as in the other manufactures of the country. He perfectly recollected an answer which he gave to an hon. member who had formerly belonged to that House (Mr. Whitbread) on this very subject. On that occasion, allusion was made to the great extent of ship-building; and he said, that this must be the case as long as the dry-rot was permitted to continue its ravages, and that until vessels were built under cover, it never would be undiminished. Since that period every vessel and every ship was covered; consequently the destruction must have become much less. He perfectly agreed in the expediency of preserving unbroken the naval strength of the country, but he saw no sort of necessity for carrying on such enormous expenditure. As he was now on his legs, he would take the opportunity of alluding to the manner in which a very meritorious individual, to whose services the country was greatly indebted, had been treated. He alluded to sir Robert Sepping, who, although he had received the honour of knighthood, and had been particularly recommended by that House as deserving of pecuniary reward, had not received a single shilling. He would say no more on this subject at present, and should conclude by expressing his conviction, that a considerable reduction might be made in the naval estimates.

Sir *Isaac Coffin* felt it his duty to offer a few words in defence of that highly meritorious corps to which the hon. mover had alluded—he meant the royal marines. If it had not been for the integrity and loyalty of this corps, the whole fleet under lord St. Vincent, at the time of the mutiny, would have been carried into Ireland. It was to the conduct of the marines alone that the safety of the fleet, as well as the preservation of the lives of the officers, was to be ascribed. He had repeatedly seen them in service, both on shore and on board, and never knew an instance in which they had not manifested great courage, zeal, and loyalty. He therefore maintained, that in adding 1,000 men to the marines, the House was not turning them into a standing army.

Mr. *Croker* regretted that the hon. mover should have brought forward this subject now—not that he meant to say that a subject of such importance ever came amiss, but that many of the papers included in the motion would, as a matter of course, be laid on the table of the House, with the navy estimates for the year; and therefore, an additional degree of trouble and expense would be incurred. From what quarter the hon. gentleman had obtained his information respecting the expenditure for the navy for the years 1792, 3, and 4, he was at a loss to conceive; but most certainly he did not seem to be in possession of all that might be collected on the subject. If he had consulted the Journals of the House, he would have found, that, in addition to the estimates for those years, there was always a very large disbursement, the effect of which was, the creation of the navy debt which had taken

quently been funded. When, however, the House proceeded to the discussion of this subject, he pledged himself to prove, when they looked to the size of the ships, and the other necessary differences in the state of the service, that there was by no means that enormous difference of expense which the hon. mover would insinuate. With regard to what had fallen from his gallant friend (sir J. Yorke), though he differed from him in the view which he had first taken of the question, yet he felt satisfaction in the opportunity which was afforded of paying a most deserved compliment to him for the great attention which, for many years, he had devoted to this particular branch of the public service; and he had the pleasure of stating, that the very system which that gallant officer had recommended was that which those now in office were studiously pursuing. When ships decayed, it was necessary that their places should be supplied. The hon. mover had said, that there were 120 vessels on the stocks; where he had got this information he knew not, but had he consulted the papers which were already before the House, he would have found his error; for most certainly his account was greatly exaggerated. With reference to the actual state of the navy, without any regard to the temper or disposition of foreign powers, it had been considered expedient to keep a proper number of ships fit for service. Beyond this number, which was founded on a sound view of the policy of the country, no increase had taken place. The House would therefore see, that they were not building at random; and that they were not, as had been stated, manufacturing vessels merely for the sake of building them. He begged also to allude to the observations which had been made with respect to sir Robert Sepping. Of the merits of that individual no man entertained a higher sense than himself. It was only last year, however, that the recommendation had been given to the committee of finance, to grant him a sum of money in consideration of his great merits. So far the admiralty had done all that was in their power to farther his claims. The committee of finance had since resolved, that he should receive 5,000*l.*, and the Prince Regent had confirmed that resolution. From the shortness of the period which had elapsed since the meeting of parliament, no opportunity had been afforded for completing this object. The Prince Regent had also been pleased to confer upon Mr. Sepping the honour of knighthood.

Sir *Byam Martin* said, that when the papers which had been moved for were produced, he would take upon himself to say, that the hon. gentleman would be found to be incorrect in every point to which he had alluded. He would pledge himself to prove, that he was wrong in every instance to which he had called the attention of the House. He wished to say, that the accounts referred to in the motion could only be obtained with great inconvenience, arising from the incorrect manner in which the naval accounts had been kept in the years 1792, 3, and 4; and when they were produced, he thought they would be more likely to mislead, than to inform the House. He begged leave to say also, that, two years ago, the committee of finance kept him before them for a full hour, with a view to ascertain whether they could not get rid of one poor unhappy clerk. If, therefore, his department was now to be called upon to undertake an increased portion of labour, he trusted no objection would hereafter be made to a considerable addition to the estimates; for it was impossible to go on without an enlargement of expense.

Mr. *Hume*, in reply, pledged himself, when the accounts were produced, to prove every one of his allegations; and, with regard to the expense of these accounts, he would undertake for five pounds, if they would give him the inspection of their books, to obtain all he desired. He could not but complain of the spirit in which this motion had been met, after he had endeavoured to reduce it into that shape which was likely to be the least objectionable. For his own part, he could see no rational ground for objecting to the papers, nor could he discover what difficulty would be found, unless indeed it was said, there were no accounts at all for the early period to which he referred. If there were such accounts, and this had not been denied, then all he wanted was an abstract of their totals or aggregates. He was particularly anxious that these papers should be in the possession of the House before the discussion of the estimates for the service of the year.

Mr. *Croker* thought the hon. gentleman had no reason to complain of the spirit in which his motion had been met, when all that he had asked had been at once ac-

ceded to. The hon. gentleman was however mistaken when he supposed that the papers for which he had moved were to be obtained without trouble. He was ignorant of the manner in which the public accounts were kept and therefore could form no correct judgment on the subject.

Sir *Joseph Yorke* observed, he did not wish to make any invidious comparison, yet he considered, when the services of sir Robert Sepping were contrasted with those of Mr. Graham, a Bow-street magistrate, who had received 5,000*l.*, that such a sum was extremely inadequate to the merits of the former. He thought that he should at least have had 10,000*l.*, at all events, the grant of 5,000*l.* was very paltry.

The *Chancellor of the Exchequer* said, that the 5,000*l.* to Mr. Graham had been granted upon his resigning a lucrative situation, in consequence of ill health; whereas sir R. Sepping still continued to receive the emoluments of a profitable office.

The motion was then put and carried.

SEDITIOUS MEETINGS PREVENTION BILL.] Lord Castlereagh moved the order of the day for the House resuming the committee on this bill. The House having resolved into the committee accordingly, the chairman proceeded to read the eighth clause of the bill, which enacts, "That if notice shall purport, that any thing by law establish may be altered, except by authority of King, Lords, and Commons, &c., the meeting shall be deemed an unlawful assembly."

Mr. *Denman* said, he considered this clause, as totally unnecessary, inasmuch as before the meeting could be assembled the magistrates must be satisfied that the objects for which it was called were not of an improper nature. According to this clause, after the meeting had been assembled with the sanction of the magistrates, they would have the power of exercising their caprice and dispersing it.

The *Attorney-General* said, that this act did not give a magistrate the power of dispersing a meeting without previous notice.

The ninth clause, which enacts that if any person or persons shall attend a meeting contrary to the provisions of this act, and shall not depart within a quarter of an hour after proclamation to that effect has been made, the meeting shall become illegal, and every such person remaining shall be guilty of a felony —having been put by the chairman,

Lord *Althorp* said, he thought that some amendment to this clause should be proposed, to prevent a magistrate from dispersing a meeting while there was any one person of a different parish present.

Lord *Castlereagh* apprehended it would be dangerous to oblige a magistrate to draw a line of distinction respecting the number of strangers that should render a meeting illegal.

Mr. *J. P. Grant* said, that the first proclamation directed to be made by the magistrate, declared the meeting to be unlawful, and the second made the persons so remaining liable to the penalties of a felony. Now he begged to know, what was the right construction of that clause? because, from the ambiguous manner in which it was worded, 20,000 or 30,000 people might be made guilty of felony by the obstinacy of one person.

Mr. *Denman* said, that once or twice a-year a greater number of persons than was allowed by this clause attended at Lloyd's and if one stranger was to intrude himself among them, and refuse to withdraw, they would all become subject to the penalties of a felony. He should wish to be told how it was to be known that a person was a freeholder. Was he to take his title-deeds in his pocket; or was the magistrate to take the word of the party himself? He needed not, surely, remind the supporters of the bill, that no language admitted a greater latitude of construction than that which applied to residence. This clause rested the case of persons attending a meeting who had no right to be present, and it gave the magistrate the power of dispersing the assembly if those strangers did not withdraw. Now, supposing that, in the execution of the order for dispersion, death should ensue, would the magistrate be guilty of murder, if it was shown to the jury on the trial, that the person on whose account the meeting had been dispersed was really an inhabitant of the parish? These, he conceived, were topics that deserved the consideration of the noble lord, and of the learned gentlemen opposite.

Lord *Castlereagh* said, that when a magistrate had read the Riot act in ordinary cases, individuals who did not depart,

subjected themselves to the penalties of the act, with a full knowledge of the consequences; and the same would be the case after the reading of the proclamation according to the provision of this clause. The learned gentleman had not stated any circumstance that would not justify a magistrate to act in other cases where the law had been violated.

Mr. *Denman* said, that here were facts on which a magistrate was to judge, while not one of the facts was within his knowledge; and yet the noble lord had said, that this case was the same as any other riot. The distinction was evident and important.

Lord *Castlereagh* observed, that the moment a magistrate had read the Riot act, persons remaining culpably on the ground subjected themselves to the penalties of the law. This provision was merely a transcript of the Riot act, with this difference only, that the parties offending were guilty of a felony, instead of a misdemeanor. In all cases, the magistrate ought to decide on the law, and it did not become the subject to sit in judgment on the magistrate.

Lord *Folkestone* remarked, that the noble lord did not seem to understand the objection of his learned friend. The magistrate, not knowing the fact himself, but acting on the information of others, might be liable to commit a mistake; and the case put by his learned friend was, that if death ensued in consequence of this mistake, the magistrate might be guilty of murder. The right of the magistrate to judge of the law was not questioned; it was only alleged, that by acting on the information of others, when he had himself no means of knowledge, he might be led to the commission of murder.

Mr. *Leslie Foster* said, the objection of the learned gentleman was, that by the attendance of one stranger, or rather of a person erroneously supposed to be a stranger, a magistrate might be brought into the situation supposed. The objection, however, did not apply, because the object of this clause was, to prevent individuals who were known certainly to be strangers from interfering in the business of a meeting.

Lord *Milton* considered the clause to be one of a most savage description. The noble lord had endeavoured to draw a parallel between actual riots and constructive riots, and had contended, that the penalties annexed to the latter, after the reading of the proclamation by a magistrate, were analogous to those which were annexed to the former after the reading of the Riot act. There was, however, a most important distinction between the two cases; for, supposing even that the penalties were the same, which was not the case, the Riot act allowed a whole hour for the dispersion of the meeting, after notice of its illegality had been given, while this clause allowed only a quarter of an hour. Thus the present clause subjected persons guilty of a constructive riot to the penalties of a felony, after a quarter of an hour's notice; while, by the provisions of the Riot-act, those guilty of a real riot were exposed to the penalties of a misdemeanor only, and that not till an hour after notice had been given.

Sir *J. Marjoribanks* suggested the introduction of a clause, purporting that a meeting should not be dispersed as illegal, unless the order of a magistrate for the arrest of any unqualified person present should be resisted by such meeting.

Mr. *J. P. Grant* said, that as the clause stood at present, the meeting became unlawful when the magistrate declared it to be so. His object was, that after a declaration to that effect by the magistrate, time should be allowed to the people to disperse before they became subject to the penalties of the bill; and he wished the attorney-general would frame an amendment to that effect.

Mr. *Denman* observed, that a man pointed out by the magistrate as a stranger, might, in reality, be a freeholder, while another person, not pointed out, might be a stranger. As the clause was at present worded, that person's presence would make the meeting illegal; though surely that never could be intended by the framers of the bill. The magistrate, therefore, should be required to point out the individuals whose presence rendered the meeting illegal.

The *Attorney-General* agreed to alter that part of the clause, so as to have the following effect:—that when any person who was a stranger had been ordered to withdraw and had refused to comply with that order, the party so refusing should, upon conviction, be adjudged guilty of felony.

Mr. *Denman* proposed that the provision in this clause which empowered a single magistrate to disperse a meeting,

should not extend to meetings called by the lord-lieutenant of a county or riding, by a sheriff, by five justices, &c. or to any other than parish meetings.

A conversation ensued, in which lord Castlereagh, lord A. Hamilton, sir J. Sebright, lord Milton, Mr. Ellison, the Solicitor-general, Mr. Denman, the Attorney-general and Mr Primrose, took part, when the amendment was negatived, and the original clause carried without a division.

The clause indemnifying magistrates in case of killing or maiming in dispersing meetings, being read,

Mr. *Denman* objected to it, as introducing a new and dangerous principle in law. By the riot-act, the remaining together, or not dispersing on proclamation made, rendered the parties guilty of felony, without benefit of clergy; but even there the magistrate was not indemnified for ordering those who disobeyed the proclamation to be killed.

The *Solicitor-General* contended, that the magistrates, by the statute of Henry 7th, and by other statutes founded on the commission, had the right to disperse an unlawful assembly by force.

Mr. *Denman* most positively denied this principle, and would appeal to the whole body of lawyers in support of his opinion. Hawkins, who was in opposition to the principle of the learned Solicitor-general, had put the case of an assembly for the purpose of hearing Mass, which was then unlawful, but could not be dispersed by force. Force could not be used but when there was a breach of the peace. Unless, therefore, every thing cruel and despotic were to be raked into this measure—unless a contradiction was to be given in it to every principle of law and justice—unless a complete power was to be placed in the hands of magistrates over life, limb, and liberty, without responsibility, this clause he was confident could not pass.

Mr. *J. P. Grant* said, that the proposition of the Solicitor-general was the most alarming that he had ever heard, and the most opposite to the principles of law or the opinions of any lawyer. Let the hon. and learned gentleman consult Mr. Justice Hale, who said that it required an act of parliament to indemnify a magistrate who had caused death in dispersing an unlawful meeting, from the charge of having committed murder. Was the Riot-act to be brought up here? That act applied to a riotous assembly; while the assembly here contemplated was merely an unlawful one; and yet a magistrate was to be justified for sending troops of horse to trample down and destroy them! He never heard a more monstrous proposition than this—that by implication any assembly might be made unlawful, by implication any unlawful one might be dispersed by force; and if lives were lost, the magistrates would be indemnified against a charge of murder! If this was the meaning of the clause, why was it not openly declared, that his majesty's subjects might be put on their guard?

The *Solicitor-General* said, that if he looked at the statute of Henry 7th, and other acts founded on the commission of the peace, he found that the magistrates had the right of dispersing unlawful assemblies, even before the Riot-act. Suppose 50,000 people had assembled to the breach of the peace, they might have been dispersed without the provisions of that act. If a magistrate was called to any riotous meeting, or to any unlawful meeting, in breach of the peace, he was justified in using force to put it down, and was indemnified against the consequences. The force, however, was only to be a proper force; he was not allowed to exert more force, or to apply greater violence, than the dispersion of the assembly required. He acted under a heavy responsibility in this respect, but his power by the law could not be denied.

The clause was agreed to

The *Attorney General*, before he alluded to the clauses relative to unlicensed places for debating and discussion, would only call the attention of the House to one or two of the many questions of the sort which had been debated and discussed, as it was called, within the last six weeks, in different parts of the metropolis. Perhaps it would be sufficient to observe that what he held in his hand purported to have been a question propounded at a place called Hopkins's Chapel, near Berwick-street, Soho, on the 24th of November last. The notice of the meeting ran in these terms:—"This evening the following question will be debated; Which of the three professions has the greatest tendency to harden the human heart—the hangman, the grave digger, or the parson?" He need not say in what manner that question was decided. Another question was, "Who

ther lord chief justice Abbott's refusal to allow Mr. Carlile to read the Bible, in the course of his defence, arose out of a real respect for the sacred writings, or from the fear that their supposed absurdity and folly might be there by exposed?" With the leave of the House he would just read them a passage from a publication called the Black Dwarf. The hon. and learned gentleman here read a short extract, which was to the effect "that the radical reformers wanted concentration; that reformers should deal only with reformers; that they should carefully endeavour to keep their body in force by their holding together; lastly, that they should subscribe, so that in every considerable town there might be public dinners, or other meals provided, of which reformers might partake at a cheap rate; and from which all exciseable articles, as much as possible, should be banished; that delegates should be paid to repair to them, in order to exhort and instruct them in the cause; and that in every town where they possessed a reading room, they should keep books which might be lent out upon the cheapest terms possible." Now it was with a view to the mischief likely to be caused by such practices, that the provisions relative to debating societies, both in 1817 and 1796, where blasphemous or seditious opinions were read or maintained, had been enacted. This clause, relative to unlicensed places for holding debates, was founded upon the 36th of the king, and upon the act of 1817. He should therefore propose by way of amendment, that the operation of the act should not only extend, as at present, to "places used for the purpose of delivering lectures and holding debates, at which discourses have been held of an irreligious, immoral, and seditious nature," but also to all places whatever, where persons not licensed should publicly read or debate.

Sir *R. Heron* wished to ask the hon. and learned gentleman whether any prosecution had been instituted against the authors of the two first papers which he had read?

The *Attorney General* said, that no prosecution had been commenced; but a bill had been found against one of the persons who attended at the meeting, for the seditious and blasphemous opinions he had there maintained.

Mr. Alderman *Wood* desired to know, whether the clause was meant to apply to meetings for the discussion of philosophical or scientific subjects.

The *Attorney General* said, the clause only applied to places where money was received.

The amendment was carried without a division. The next clause was, that all houses, &c. where meetings should be held, and money taken either for admission or refreshment, such places not being previously licensed for that purpose, should be deemed disorderly houses.

Mr. *Denman* objected to one part of this clause. He did not know what disorderly houses meant, except in one sense, which he did not care to name. He should move that those words be omitted.

The amendment was negatived without a division.

Mr. *Denman* objected to the clause relative to the revocation of licences. As the bill now stood, a man might be ruined, and never know the cause of his misfortunes. He should therefore move, that after the words "complaint made," the words, "upon full evidence and information on oath," be inserted.

This was also negatived without a division.

Lord *Folkestone*, adverting to the clause relative to the limitation of actions, said, that if he read it rightly, actions against individuals charged with the offences contemplated by this bill, might be proceeded in, within a term of six months; but if any of those individuals should happen to have been committed under an erroneous impression, they must prosecute the magistrates, upon whose warrants they had been so falsely committed, within three months. This surely required explanation. The clause went on to say, that if the plaintiff in the latter case should become nonsuited, or the jury should find a verdict for the defendant, or if, upon demurrer, judgment should be given, as against the plaintiff, the defendant should have double costs. This, too, was to be noticed; because it was evident how very cautious it would have the effect of making persons in adopting proceedings against any magistrate.

Mr. *G. Lamb* moved, that the words, "three months" be omitted, and "six months" substituted in their stead. After some observations from Mr. Barham, and Mr. J. P. Grant, this amendment was put and carried. In answer to a question from an hon. member, why in the case of Scotland the costs should be trebled? the lord advocate observed, that it was the usual custom. Mr. J. P. Grant thought,

that the sooner the custom ceased to exist, the better it would be for his unfortunate countrymen, who were thus liable to pay more than their southern neighbours, who could afford it so much better. He should move that the word "double" be inserted in the place of "treble." Mr. Martin (of Galway) thought, that some security ought to be given to magistrates who might be proceeded against for the payment of their costs in case of nonsuit. The amendment was carried without a division. The other clauses of the bill were then agreed to, after which

Lord *Castlereagh* rose, for the purpose of proposing some new clauses. His first clause was, that in those cases where strangers, or persons who had no right to attend at a particular meeting, were present, and after being ordered to withdraw refused to go, it should be lawful for any person or persons (having a right to attend at such meeting) to take the person so refusing into custody, and bring him before the next magistrate, to be dealt with according to the act. This clause was read a first time. On its second reading,

Mr. *Brougham* objected to it, and contended that it would be manifestly absurd if carried into effect. It went to give any man who had a right to attend at such a meeting a power of a special constable, and also to take away all those who had not the right to attend. Now suppose, as he understood was the case at Manchester, there were 20,000 out of the 30,000 who might have attended, who had no right at all to attend under this bill, what would be the consequence? Or suppose, to take small numbers, there was a meeting assembled of 1,500 persons, of whom only 500 had a right to be present, did the noble lord mean to say that every man who had a right to attend should arrest one who had no right; or, to speak in short terms, that each lawful man should arrest his radical and take him off? Now, in such a case, all the 500 men who would have a legal right to attend, would be engaged in taking away 500 of those who had no such right; or, as he might say, in "*pairing off*" with them (laughter), and thereby leave 500 of those present who had no right so to be. Would not this, he would ask, be a manifest absurdity, if the object was, to put down the seditious meetings mentioned in the bill?

Lord *Castlereagh* was surprised at the extravagant construction which the hon. and learned gentleman had put upon the clause. He should recollect that it could not have the effect alluded to, as it was not compulsory on any man who had a right to attend, to take any other not having the same right from it. Every such man was not bound, as the hon. and learned gentleman had supposed, to take his radical and walk away.

The clause was then agreed to.

Lord *Althorp*, on rising to propose a clause for limiting the operation of the bill to the disturbed districts, observed that he had many disadvantages to surmount. These disadvantages did not consist merely in the lateness of the hour, or in the disposition of the noble lord to repel every important alteration. He felt, also, that any suggestion coming from himself must come with this disadvantage—that as he was known to object to the whole principle of the bill, he might be suspected of an intention to interfere with that principle in recommending a clause for their adoption. The clause, however, which he felt it his duty to propose, did not interfere in any degree with the useful operation of the measure, though it was calculated to prevent its unnecessary and vexatious application. The papers before the House did not make out a case of alarm beyond some of the great counties of England and Scotland. His majesty's ministers had described the measure as an improvement of the law; but that was not the opinion of the House, or they would have made it permanent. But it was not enough, according to his view of it, that it should be temporary; justice seemed to require that it should be local also, and that those parts should be exempted from its severity, where no case of disturbance could be made out to justify its introduction. The Bill which authorized search for arms was limited to the disturbed districts; why should not this be limited in the same way? It was more easy to remove a magazine of pikes from one county to another, than to remove such meetings as this bill was intended to prevent. The clause, which he should propose might appear, on the first view, to impose restrictions upon certain counties; but it only affected some counties, while the bill, as it stood, affected all, and therefore was rather to be considered in the light of an exemption. It might be argued, that it was an odious task for magistrates to apply for an extension of the bill to their respective counties, when the

state of things required it. But, disagreeable as the task might be, he was sure that no magistrate would refuse to do his duty. Another argument which might possibly be urged against it was, that it gave too great a discretion to magistrates; but their discretion was not increased beyond the powers of the present act, and was, after all, a discretion to exempt where it might be expedient. The noble lord concluded by moving a clause to limit the operation of the measure to certain counties therein mentioned, but empowering the lords lieutenant or magistrates of counties, now quiet, to introduce it by proclamation whenever disturbances might render it expedient. The counties named in the clause were the west riding of Yorkshire, Lancashire, Cheshire, Durham, Cumberland, Northumberland, Nottingham, Staffordshire, Warwickshire, Renfrew, Lanark, and Derby.

Mr. *Cartwright* opposed the clause, and denied that it was more easy to transport arms than assemblies from one county to another. The tranquil part of the country, he was satisfied, would feel themselves aggrieved if the bill was not extended for their protection.

Mr. *Honywood* thought it strange that any of the quiet counties should feel aggrieved at not being placed under the ban of this act; and he was sure he might say for his own constituents, that they would feel much aggrieved, if, without any act of disloyalty upon their parts, they were exposed to all the hardships and severities of such a measure.

Mr. *W Lamb* said, that with the opinion he entertained as to the danger of the country, he could not refuse his support to the bill; but, on considering its provisions, the amendment proposed by his noble friend appeared to deserve the adoption of the House. He was sure the noble secretary of state would feel the necessity of carrying along with him in those measures as much of public opinion as possible; and when he considered the measures of 1817, he would find, that nothing had tended so much to render the Habeas Corpus act odious in the eyes of the community as the indiscrimate universality of its operation. There were many who admitted the existence of danger, and yet thought it hard, unjust, and iniquitous, that those who had committed no fault should be exposed to its severity. He could assure the noble lord, that the same feeling would operate with regard to the present measure, if it was applied with the same indiscreet latitude. The bill, if properly limited, was not essentially an abridgment of the rights of the subject; for right, when properly used, was under a better limitation than that of law. But, when rights were abused, as that of petition had been, the law was a necessary corrective. An hon. gentleman had observed, that the disturbers of the public peace might carry their effects into other counties, but his belief was, that in no other part of the country could their projects be brought to act. As to any abuses that might arise out of the plan proposed by his noble friend, they might easily be met by other provisions, and therefore he did not hesitate to press seriously on the attention of ministers, the feeling which they run the risk of exciting by extending the measure in the first instance to the whole country.

Mr. *Grant* admitted the necessity of carrying along with these measures as much of public opinion as was possible; but the first object was, to carry their purpose into effect. No fact could be more plainly proved than the necessity upon which they were legislating. He would not now discuss the extent of the danger, as he might assume that it was admitted by the House. This danger did not arise merely from distress, a system had been pursued which was not the creature of distress, though it had availed itself of the advantages supplied from that source. The question therefore was, whether, with the conviction that such a spirit was in existence, with a knowledge of its increasing activity in making converts, and of the distress which constituted its chief aliment, they should anticipate the danger, or leave the country, not to the chance of a small evil, but to the chance of an evil growing to that extent which might soon require, not measures of prevention, but of suppression and dispersion. Two engines were employed for the propagation of a system, the object of which was national and not local—those engines were public meetings and the press. Could any one imagine that local bills would succeed in putting it down—or was it not more probable that they would have to follow the disaffected with unequal steps into other counties? It was necessary to destroy their hopes, and show them that parliament was determined to crush their designs. An hon. gentleman had said, that the system could not be

carried into other parts of the country, but he was not willing to see the experiment tried, how much poison the frame of the country could bear before it was destroyed. It was in behalf of that population with which he was officially connected, and to whose interests he was bound, that he was anxious the bill should stand in its present shape. It was said to be a bill of coercion; on the contrary, it was one of protection. It was coercive, not against the people, but against the enemies of the people, whose name was so often usurped by revolutionary demagogues. He must say, that if this measure was made local, it would be an encroachment on the high privileges and liberties of the undisturbed counties; as it would deprive them of that protection to which they were entitled. To use the words of lord chief justice Holt, it would be "an assault upon the people of England." It was not the nobility, nor the commons, that were to be protected by this measure; it was the honest the uncontaminated, the industrious peasantry of the country whom they were to protect against those who wished to deprive them of the privileges of the constitution, and the consolations of religion; thus rendering them miserable in this world, and hopeless as to the next.

Sir *M. W. Ridley* did not mean to say that something of this kind was not necessary; but he thought that it should be strictly confined to the necessity of the case. If the bill was limited, as proposed by the amendment, it would be adequate to all its objects, for magistrates could correspond with ministers sufficiently early to prevent inconvenient or dangerous meetings.

Lord *Ebrington* felt that he should be wanting in the duty which he owed to the populous and loyal county which he had the honour of representing, if he did not oppose the extension of these measures to it. He entered his protest against including the loyal and peaceable inhabitants of Devon in this measure. It was urged, that the seditious leaders would, if the measure was made local, extend themselves to the peaceable counties. Even if they did, it would be impossible for them to produce any effect in the county where he resided. He therefore felt it his duty to support the amendment.

Mr. *W. Courtenay* agreed with his noble friend, that infinitely the largest portion of that part of the country with which they were connected was free from any disposition which might require restraint; but, at the same time, they all looked for something of this kind; and if they were left exposed to the attacks which might be made by itinerant agitators, they would consider themselves unfairly treated.

Mr. *Macdonald* said, that whatever difference might exist as to the necessity which called for coercive measures, he thought they all agreed in feeling reluctance in passing them. There was but one way of demonstrating that general feeling, and that was by limiting those measures to the strict necessity which called for them. This measure was to be limited in a two-fold way—in point of time and in point of extent. The time had been already fixed, and for a period which he regretted as he thought a much shorter time would be sufficient. The extent in point of district was still to be limited. He would ask, whether his noble friend had not provided for any emergency in counties proposed to be exempted from this bill? He should like to hear something like an answer to this from the other side of the House. What could be required more, than that the magistrates should have the power of proclaiming their county, in whole or in part, subject to the operation of this bill? At least the *onus* was upon the other side.

Lord *Milton* fully concurred in the reasons urged for limiting the bill, and felt disposed to support the amendment for other reasons. The hon. member for Exeter had stated, that the part of the country with which he was connected was well disposed. His noble friend, the member for Northamptonshire, had said the same of that county. He could make the same statement respecting the county in which he lived—he meant Huntingdonshire. It was a French saying, that where nothing exists, the king loses his rights; so he would say of this bill. Whatever ground there might exist for passing it in the manufacturing districts, no necessity for its extension to agricultural districts could exist, but in the imaginations of men who saw nothing but radical meetings all over the country, threatening fire and destruction to all within their reach.

Mr. *Mansfield* opposed the amendment. If the measure was made local, the evil would spread itself, and parliament would

in a short time again be convened, in order to enact additional measures of restriction.

Mr. *Barham* said, that if he was convinced of the efficacy of the clause he would vote for it. It was the wish of all that some efficacious measures should be adopted. It was urged that the great bulk of the people were loyal. Why, then were the great bulk of the people to be subjected to the same restrictions as the disaffected? There were several counties in England where the term radical reform would not be understood. The most certain mode of spreading the evil would be by passing this law, as it would excite the curiosity of the people to discover what it was enacted to prevent. The best way of convincing the people of the benefit of entertaining loyal principles, would be to let those who did not abuse their liberties, continue in the enjoyment of them; while those who abused were punished by being deprived of them. The bill would have a dangerous tendency, by showing that the loyal and the disaffected were treated with equal rigour.

Mr. *Cooper* considered the present bill as intended for the defence of our rights and liberties. What was liberty? Was it not the right of doing what a wise and good man would wish to do? They were legislating, not for mischievous agitators, but for the liberties of the people.

Mr. *W. Parnell* strongly objected to the clause. He also objected to the measure altogether as it regarded Ireland, where according to the statement of the noble lord himself, the greatest tranquillity and prosperity existed. Even in this country he did not think it would effect the end proposed. The conduct of ministers reminded him of a little French tale which he read some time since. There was a very ugly knight, but a man of great wisdom, who fell in love with a beautiful young lady, who, notwithstanding was very indiscreet. The knight thought the folly of the young lady could make no obstacle to their union, "for," said he, "our children will possess all the beauty of their mother, with all the wisdom of their father." Unfortunately the knight was mistaken. The children possessed all the ugliness of the father, with all the folly of their mother. Now, so it was with the question before them. This boasted beauty, the privilege of the people, was as a corrective to its indiscretion to be coupled to the ugly but wise knight; the measure proposed by ministers. He feared, however, that the produce of the union would be similar in both instances —namely, that it would possess the ugliness of the father, and the folly of the mother without retaining any trace of the boasted wisdom or beauty of either.

Mr. *Hutchinson* said, he was anxious to impress upon the House, that, in the event of the amendment being negatived, he was determined to bring it forward, as far as Ireland was concerned, on the bringing up of the report. In doing this, he trusted that he should receive the support and co-operation of every independent member of that House. Though he had not any immediate connexion with the right hon. the secretary for Ireland, he could not but express his regret at the speech which he had made that night. When he recollected the brilliancy with which that right hon. gentleman had conducted himself, both before and since he commenced his public career, when he considered the efforts he had made in another quarter, he could not help feeling a sincere anxiety, for the consistency of his political character. He did not express this regret from a feeling that his country could be benefitted by the exertions of any right hon. gentleman, but from a respect for the right hon. gentleman's former exertions.

Sir *W. Guise* said, his constituents deprecated the extension of this measure to them, and had told him that there was no occasion for it in Gloucestershire. He would therefore support the amendment.

Mr. *R. Martin* pledged himself to oppose any attempt to prevent this measure being extended to Ireland. It was calculated to produce peace and happiness in that country.

Sir *R. Fergusson* protested in the name of his country against the measure. It was said that it would be a blessing to the sister kingdom. It may be so, but from such blessings good Lord deliver us.

The committee then divided: For the Amendment, 51; Against it, 191: Majority against it, 140. The original clause was then put and carried; after which the House resumed.

*List of the Minority.*

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| Barham, Jos. | Calvert, G. |
| Barnet, J. | Cavendish, lord G. |
| Bennet, hon. H. G. | Churchill, lord C. |
| Brougham, H. | Clifton, lord |
| Calcraft, J. | Crompton, S. |

Dundas, Thos.
Denman, T.
Ebrington, lord
Fergusson, sir R.
Folkestone, lord
Graham, J. R. G.
Grant, J. P.
Guise, sir W.
Hill, lord A.
Honeywood, W. P.
Howarth, H.
Hume, Pat.
Hutchinson, hon.C.H.
Heron, sir R.
Kennedy, T. F.
Lamb, hon. W.
Lamb, hon. G.
Lambton, J. G.
Macdonald, J.
Martin, J.
Milton, lord
Monck, sir C.
Nugent, lord
O'Callaghan, Jas.
Palmer, C. F.
Parnell, Wm.
Philips, G.
Price, Robt.
Primrose, hon. W. F.
Ramsden, J. C.
Ricardo, D.
Ridley, sir M. W.
Robarts, A. W.
Rumbold, C. E.
Russell, R. G.
Smith, hon. R.
Smith, Wm.
Tavistock, marq.
Walpole, hon. G.
Webb, Edw.
Wood, Matt.
TELLER.
Althorp, lord.

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## HOUSE OF COMMONS.

*Thursday, December* 9.

WESTMINSTER PETITION RESPECTING THE STATE OF THE COUNTRY.] Sir *Francis Burdett* rose to present a petition from the electors of Westminster, against the coercive measures now under the consideration of parliament. It had been resolved on at a numerous, and he would add, an orderly and well-conducted meeting of those electors. It expressed as strongly as it did justly, the dissatisfaction which they felt at the proposal of such measures, and the hope which they entertained that time would be given to the country to declare its opinions upon measures which were allowed to be of an unconstitutional tendency by all, even by those who admitted the temporary necessity of them. No pressing necessity existed for forcing them with such haste through the House, and he therefore implored hon. gentlemen to give to the country that extension of time which the petitioners so earnestly desired. The hon. baronet then moved that the petition be brought up.

Mr. *Lambton* seconded the motion, and expressed his concurrence with the wishes of the petitioners. At the same time, he took the opportunity of saying, that he had that morning received a communication from the country, containing statements in direct opposition to those made on a former evening by the noble secretary of state, and to which he wished to call that hon. member's most particular attention. It was in allusion to the noble lord's assertion that 700 men had marched with concealed arms to a late public meeting near Newcastle, and came from the union societies of the two villages from which these men were said to have marched. It was of considerable length, but he did not think it requisite to read more of it than the first three paragraphs, which were to the following effect: "That they had read with considerable surprise, a paragraph in the letter of A. Reed, mayor, stating that 700 of them had gone to the meeting held on the 11th of October, at Newcastle, with arms concealed. They deemed it their duty to deny this statement, and to declare their willingness to deny it individually upon oath, if required. So far from having any arms concealed about them on that day, they had not even with them common walking-sticks, and therefore they had no hesitation in saying, that this statement of the mayor was an unfounded calumny." Unless, therefore, these individuals were to be supposed destitute of all moral and religious feelings, the House must credit the statement which they had made to it [Hear!]. He had also received from an individual residing at Newcastle, unequalled in talent and respectability, a communication relative to the same subject. That individual, whose name he should not mention, but which, if he did mention, would ensure general respect, said that the exaggerated account which had been given in parliament, of the state of public feeling in and about Newcastle, had appeared perfectly absurd and ridiculous to the inhabitants of those districts; and added, that the letter of the mayor of Newcastle was laughed at as a mere rhodomontade. He had also another circumstance to which he wished to call the attention of the House, and of the noble secretary. He had been informed, that so convinced were the gentry about Newcastle and Durham, of the falsehood of the libel which had been circulated against the people among whom they resided, that they had thought it right to take certain steps in order to contradict it. A meeting of the deputy-lieutenancy had in consequence been called at Gateshead, and a representation of the real state of the county had been sent by it to government. The noble lord would be able to set him right if he was misinformed on that point, and also to state, why, if such a representation had been made to government, it had not been made known to the House. He could not help observ-

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ing, that he considered all the alarming statements which had been propagated regarding the disaffected state of the counties of Durham and Northumberland to be totally unfounded; and the country would be enabled to decide with some degree of certainty whether they were or not, by circumstances which would be that evening disclosed in the other House. He would only state at present, that an hon. and reverend relation of his own, who was represented as having been forced to leave his country seat, and take refuge in Newcastle from the designs of a discontented population, had now returned to his seat and left Newcastle, whither he had gone in compliance with the wishes of some of his family. For his own part, he had left all that was dear to him, his wife, his children, and his property, in the midst of these men, who were accused of disloyalty and disaffection, but upon whose loyalty and attachment he rested with implicit confidence. He apprehended more danger from the measures of that House, than he did from the turbulence of those who had been made the objects of so many calumnies. When the arms and training bill came before the House, he should move that its operation should not extend to the county of Durham.

Lord *Castlereagh* could assure the hon. gentleman that he had not seen any such report of deputy-lieutenancy as he had alluded to, though he would not pretend to assert, till he had inquired into the matter, that no such report had been received. As to the county of Durham, he had never said that it was in a state of open disturbance; but still there might be evil designs entertained by some individuals residing within it, against which it was the bounden duty of government to guard. The hon. gentleman maintained that there were no such designs: but his assertions on that head were no more proof of the non-existence, than that the assertions on the other side were of the existence of such projects. He (lord Castlereagh) would refer the House to what the hon. gentleman had himself allowed on a former occasion: he had said that there was a meeting of 40,000 persons at Newcastle, and that of these 40,000, 7,000 marched to it under military organization; and yet with these admissions staring him in the face, he now came forward to say, that all the danger which he apprehended was from the proceedings of the House, and to propose, as a proof that he believed his own opinions, that the county of Durham should be excepted from the operation of these acts. With such a description as the hon. gentleman had himself given of these radical meetings, could any thing be more imprudent than not to make these measures general [Hear!]?

Sir *M. W. Ridley*, after speaking in terms of high praise of the present chief magistrate of Newcastle, observed, that he was the last person in the country who would be guilty of writing rhodomontade; and that the statements in his letter had no reference to the general state of the country. He implored the House, however, not to believe all the exaggerated statements of alarm which were now abroad, especially with regard to those districts with which he was connected. The letters which he had received from them stated, that though many were alarmed, the alarm was by no means so general as was supposed, and was rapidly subsiding in every quarter. He would mention one fact which would show the nature of the exaggeration which existed, and the causes from which part of that exaggeration arose. A gentleman in the country told a friend with whom he (sir M. W. Ridley) was acquainted, that he had heard the radicals firing at 2 o'clock in the morning: his friend was incredulous, told the gentleman that he was mistaken, set about finding out the cause of his mistake, and ultimately succeeded in proving to the satisfaction of the alarmed man himself, that the firing of the radicals was nothing more than the explosion of one or two retorts employed in some gas-works which were seated near his House.

Mr. *G. Lamb* said, he did not rise with any view of prolonging the debate which had arisen, but merely to state that the meeting at which the petition now before the House was agreed to, was highly respectable and most orderly in its behaviour. He would not say that another meeting had drawn away from them those who wished for noise and riot; but he would say, that the meeting which had voted this petition was as respectable as any public meeting which he had ever witnessed.

Mr. Alderman *Waithman* described the meeting which took place on Wednesday in Smithfield, as one of the most despicable public meetings which he had ever seen. Those who composed it were dirty boys, women, and children; and if there was any thing respectable about it, it was

the appearance of some strangers out of mere curiosity, and of some special constables, who were wandering up and down the market to see that no breach of the peace occurred. Meetings of this nature had now had their run in London [Hear!], and no danger was in future to be apprehended from them.

The petition was then brought up. It purported to be the petition of the electors of Westminster, assembled in pursuance of a requisition to the high-bailiff, in Covent Garden, on Wednesday the 8th of December 1819; and sat forth,

"That the petitioners view with the utmost astonishment and regret the proceedings of the House relative to the late transactions at Manchester; that the petitioners find that whatever hope may have been entertained that the House would institute some inquiry respecting those transactions has been totally disappointed, and that instead of the apparent authors of the violence committed on the 16th of August last at Manchester being at least called upon to justify their conduct, the people themselves, the sufferers by that violence, have had to endure fresh injuries, by calumny, by misrepresentation, and by being marked out as the victims of the unheard-of and sanguinary laws now in progress through the House; that the petitioners complain that they, as well as the great body of the people, are, on the pretext of a conspiracy said, but never proved, to exist against the government, about to be deprived of many of their dearest and most acknowledged rights, which have remained untouched even in the worst of times, and which nothing but wicked ministers, resolved to destroy the whole fabric of British freedom, would dare to violate; that the petitioners regard the right of public assemblage, without any restriction as to the place or number, for the sake of a peaceable discussion of national grievances, as a right derived from the earliest practice even of their remote ancestors, a right which has in all ages formed the main basis of their popular government, a right which has always been exercised to prevent the preponderance of interests hostile to those of the people, and which cannot be infringed without destroying every vestige of popular control in the government of these realms; that the petitioners consider the limitations and conditions under which, if the seditious meetings bill should pass the House, the people would still be allowed to meet, as amounting to a virtual annihilation of all the purposes of popular assemblage, the magistracy, and other official persons of this country, under whose sanction only it is proposed any large assembly shall be holden, having lately given but too good reason to make them fear that they will seldom, if ever, unite with the people in any wholesome opposition to acts of government; that the petitioners having thus good reason to apprehend that it is the intention of his Royal Highness's ministers to deprive the people of their freedom and opportunities of speech, see also, with the utmost indignation and alarm, that another of the bills now in progress through the House has a direct tendency to deprive the people of the freedom of the press, so that they will be debarred from all the old established means by which the nation has hitherto made known their wishes and their wants to the king and the parliament; that the petitioners consider the limitations upon the press proposed to be passed into law by one of the bills now in progress through the House, as establishing in effect a previous censorship as intrusting that censorship to a magistracy, or official persons, who for the reasons before mentioned, will check all animadversion on acts of state, and as amounting in fact to a complete destruction of the liberty of political discussion by writing, there being no medium between the entire freedom and the total subjection of the press; that the petitioners consider the proposed increased severity of the libel law as contrary to all sense, justice, and humanity, and the spirit of the British constitution, more especially as recognized by the Bill of Rights; that the petitioners consider the bill now in progress through the House for the seizing of arms either by day or night in certain districts, said to be in a state of disturbance, another invasion of the rights and liberties of Englishmen, which nothing can justify, and which does not appear to be called for by any of the evidence before the House, or by any events generally known to the nation; that the petitioners consider the bill now pending in parliament for the purpose of depriving defendants from traversing, as having the same pernicious tendency as the before-mentioned bills, as being contrived to deprive the accused of one of those humane provisions which the law of England contemplated for his

defence, and to render more easy and expeditious the arbitrary proceedings of the government, and as being confessedly an infringement of the ancient laws of the land; that the petitioners believe the history of the English nation can furnish no instance of a similar attempt upon the liberties of the people as that which is now attempted to be made by the said bills, and they are confident that the great majority of their fellow-subjects regard the pending measures in the same light as themselves; that the petitioners, as they view these measures with alarm, so they view with indignation the pretext under which these bills are proposed for adoption; and they believe that the alarm of actual conspiracy, and impending insurrection, which is said to prevail in certain parts of the country, has no other origin than in the designs of wicked ministers themselves, fomenting disturbances, circulating false rumours, and attempting to drive the people to acts of desperation; that the petitioners know many of the rumours respecting the pretended disaffection, and meditated insurrection of certain portions of his majesty's subjects, to be not only false, but that it is physically impossible they should be true; and that in the three northern counties of Westmoreland, Northumberland, and Durham, where 100,000 men are said to be in arms, the population returns of 1811, give only 405,648 as the total number of inhabitants in these counties, comprising men, women, and children; that the petitioners, well acquainted as they have long been with parliamentary reformers of all classes, do venture solemnly to deny the assertion, audaciously stated by the abettors of the bills now before the House, that the object of any body of individuals called reformers, is the subversion of the constitution, the plunder of property, and the destruction of social order; on the contrary, they know of no other design, either professed or intended, by any body of reformers, than that of making attempts to bring back the constitution to its genuine temperament; attempts, which a great legal authority of this country (sir William Jones) has declared, are so far from being seditious, or even derogatory from the respect due to the Crown, that they would, if successful, highly augment the splendor of it; unless it be more glorious to rule like princes of the continent over slaves, than to be the chief of a free nation; that the petitioners imagine they discover a cause for the present discontent, very different from that alleged by the proposers and abettors of the proposed bills; they find themselves and their fellow-subjects oppressed with a load of taxation rendered necessary, as they believe, only for the sake of carrying on a system of mal-administration, subversive of the rights and the happiness of the people; they find that in the short space of twenty-six years nearly 600 millions have been added to the public debt, and that the yearly taxes have been raised from about 16,000,000*l.* to upwards of 60,000,000*l.*; they find by returns presented to the House in 1818, that on the average of three years ending the 25th of March 1815, those receiving parish relief amounted to nearly a million of persons; that the money expended on the said paupers, independent of charitable donations of 238,310*l.*, amounted to the enormous sum of 6,460,298*l.*; that the petitioners also see that the commerce of these realms is most ruinously depressed; that the trade of these realms is no less embarrassed, and rapidly approaching to total ruin that the agriculture of these realms has also most lamentably declined, and does no longer compensate the farmer for the use of his capital, notwithstanding the wages of his labour are in great part paid by the poor-rate; that the petitioners believe, that it is the general conviction of the people, that the lamentable state of trade, manufactures, commerce, and agriculture, is not attributable to any revulsion, or to a transition from war to peace, but to the vast sums levied on the people by rates and taxes, which have so enormously increased the price of commodities, as in a great measure to exclude them from all the markets in the world; that the people having now, and having for some time had, this conviction, have made various complaints in form of petition to the House, to the House of Peers, and to the King, and have sought for a remedy for their calamities by various modes proposed in their petitions; the petitioners find that the said petitions have been altogether disregarded; that the same system of mal-administration continues, and seems likely to continue; that nothing is done for the people; on the contrary, fresh burthens are imposed upon the people, for objects seeming to them unnecessary and unconstitutional; and the petitioners, taking into consideration all these circumstances, see that the people are suffering from a

complication of real evils, and have to complain of just grievances, which will fully account for their present universal demand to obtain a fair chosen House of Commons, without supposing them to be traitors to the state, and to have forfeited their right to the mild and salutary system under which they were born; that the petitioners are fully persuaded, that if the bills now pending should pass into a law for any given term of years, and the present system of mal-administration should continue, further excuse will be found for prolonging the operation of these unconstitutional measures after the given term of years should have expired; that moreover the petitioners are assured, that none of the complaints of the people will or can have so direct a tendency to bring the House and the whole legislature into contempt, as the passing of these bills; and they would therefore urge, that their own regard for the character and consequence of the House, as well as for the welfare of the nation, must equally induce the House not to pass the said bills into laws."

Ordered to lie on the table, and to be printed.

MANCHESTER MEETING — PETITION OF D. DAWSON, &c.] Lord *Milton* said, that he had a petition to present to the House, which, though it was neither so long as the last nor the result of so numerous a meeting, was yet of very considerable importance. It came from the father, or rather from the family (as it was signed by the father and three brothers, of one who had lost his life on the fatal 16th of August. The petitioner stated, that the deceased went in company with several others, to the meeting held on that day at Manchester, that on endeavouring to escape from the hustings, near which he was standing, he received two strokes on the head from a sword; and that in consequence of the wounds he soon afterwards died. This statement, he found, was confirmed by the returns of the Manchester infirmary, and by a verdict of a coroner's inquest, which stated, that the deceased had died in consequence of the cuts which he had received with some sharp instrument, but that it was unknown by whom those cuts were inflicted. The petitioners then proceeded to state, that they had always been taught to believe that in this country there was no wrong, without a remedy; but, unfortunately, in this case it was impossible to discover the individual by whom the fatal blows were given. They therefore prayed the House, before it passed any new restrictive laws, to take into their most serious consideration those events which during the last few months had divided one class of people from another. That this petition was not got up to serve any party purposes was evident from the fact, that the whole of the petition was in the hand-writing of one of the brothers of the deceased. Besides, the coarse and homely expressions in which it was couched proved that it was the result of genuine and unrepressed feeling. He knew, after what had passed within the walls of that House, that it was not possible for the prayer of the petition to be complied with: he hoped, however, that the House would never have cause to repent of the line of conduct which it had recently adopted.

The petition was brought up and read. It purported to be the petition of David Dawson, yeoman of Strines Dale, in Saddleworth, Yorkshire, and John Dawson, Samuel Dawson, and James Dawson, brothers to the there-under-written Edmund Dawson, and sat forth,

"That Edmund Dawson, son to the said David Dawson, yeoman, went to Manchester on the 16th of August last, in good health, in order to attend a legal meeting for parliamentary reform; the petitioners believe that the said Edmund Dawson conducted himself as a good subject, in a peaceable and lawful manner; that he received two strokes on the head, with the edge of a sword, by one of the cavalry, near the hustings, whilst endeavouring to make his escape; that he was taken to the infirmary, Manchester, but was not conscious of any event after receiving the latter stroke, till the morning following, which same information he delivered to the said Samuel Dawson, in the presence of the governess of the said hospital; the petitioners beg leave to state, that the said Edmund Dawson died on the Tuesday but two following; that the jury who sat on his body, gave in their verdict, that he died with a cut from a sharp instrument, but could not tell by whom, although several who were seen cutting on St. Peter's field are known; the petitioners had been taught to believe that there was a constitutional doctrine, that every wrong had its remedy; and seeing that the jury had found no such

remedy, and the courts of law having not interfered, in the most impressive manner beg the House immediately (prior to the adopting bills calculated to widen the unhappy differences), to institute a full and impartial inquiry into the above outrage by the military and civil power, by which some were slaughtered, and hundreds wounded (as they conceived under the protection of the law and constitution), by so doing, justice may be awarded to the guilty, and the land cleared from the foul stain of blood."

Ordered to lie on the table, and to be printed.

Magistracy of Norfolk.] Mr. *Coke* hoped that the House would allow him to read a letter which he had just received, and which referred to a subject, on which some conversation had occurred on a former night. The letter was to the following effect:—" My dear Sir; having just seen an account of what passed last night in the House of Commons between Mr. Wodehouse and yourself, I have additional reason to lament the having been confined almost the last week to my bed with the gout, as it prevented my stating in my place in the House, that at your request I accompanied you by appointment to the lord chancellor's private room in the House of Lords, when every thing passed that you so correctly stated in the House of Commons [Hear!]. Believe me your very much obliged. M. B. Folkes Mansfield-street, Thursday morning." The only gentleman who was not inserted in the commission, after his application to the lord chancellor, was the hon. G. Walpole.

Lord *Castlereagh* deprecated the reintroduction of this subject to the House, after what had fallen from the Speaker on a former evening. He must however remark, that if he, as lord lieutenant of the county, had told any gentleman that he would insert in the commission of the peace any names which he would recommend, he should have expected, as a mark of personal civility, that they should not be left at the office of the clerk of the peace: indeed, if they had been so left, he should have treated them just as if they had been anonymous communications.

Mr. *Coke* said, that he did not see upon what grounds he could be accused of having exhibited a want of courtesy in this business. If Mr. Wodehouse had shown him in private the letters which he had read the other evening to the House, he should have had no objection to have made a similar communication of this letter to Mr. Wodehouse; " but," continued the hon. member, " as Mr. Wodehouse [order], my colleague, did not show that courtesy to me, I do not see how it could be expected that I should show this courtesy to him."

Mr. *Wodehouse* said, that the subject had been introduced into the House in consequence of what had previously occurred between his hon. colleague and himself. He had asked him, and he conceived it his undoubted right to ask, a question upon this subject. His hon. colleague replied, " If you doubt my word, sir, ask me any question in your place, and I will answer it." " Very well, sir;" replied Mr. Wodehouse, " I will." He could appeal to all within the walls of that House, and to all who had any ingenuous feelings about them, whether it facilitated any explanation to make it matter of discussion in that House. He had only to add, that he had felt no distrust of his hon. colleague's candour and firmness. All he had said was, that he should never again place his hon. colleague in the situation of making such an explanation, or put himself to the pain of asking such questions.

Mr. *Tierney* begged to observe, that his hon. friend (Mr. Coke) had fairly and honourably answered all the questions, and refuted all the charges, which arose from this subject. When he had done so, up got the noble lord, and began to accuse the lord lieutenant of the county, against whom no charge had been made. It appeared quite evident, that the lord chancellor was unfortunate in his recollection, and that his hon. friend stood acquitted of all blame.

Mr. *G. Lamb* spoke to order, as there was no question before the House.

Lord *Castlereagh* regretted that the hon. member had not spoken to order earlier. He had only to observe, that he should have left his noble friend under a charge, if he had not stood up and made the observations which he had made.

State of the Manufacturing Districts.] Mr. *Bennet* rose, in pursuance of his notice, to move the appointment of a committee to inquire into the state of the manufacturing districts of this country. He said he could assure the

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House, that, in bringing this subject before them, he did so with a full sense of his own inferiority; but having found no one else willing to take it out of his hands, and deeming the inquiry which he proposed a measure of the utmost importance to the peace and tranquillity of the country, he was induced to offer himself to their notice. It was not his intention to mix up with this subject any thing of what might be considered party politics, or any thing which might stand in the way of the conciliation which he had at heart: he wished to excite the smallest animosity possible. It was not his intention to inquire into all the circumstances which had created the distress. He knew very well that gentlemen differed materially on this subject, as it was natural they should do, where the field was so extensive. Some attributed the distress to the enormous weight of taxation—some again attributed it to the decay of trade—others again to the change in the circulating medium of the country, which, while the taxation remained unchanged, had had all the effect of an addition of from 15 to 25 per cent to the taxes. All these things, though they demanded the particular attention of the House, went beyond the limit which he now proposed to himself. The object of his motion was to inquire into the present state of the districts, known by the name of the manufacturing districts, and now also unhappily by that of the disturbed districts. He was sure he was not stating too high the number of persons employed in these districts, namely, in Lancashire, the West Riding of Yorkshire, and Scotland, when he said they amounted to not less than one million of persons. He should first advert to the state of the manufacturing district of Scotland; and he was sure he was not overrating the manufacturing population of that district, when he stated it at upwards 200,000. The House were no doubt well aware, that within a very short period the state of the manufactures of that country had experienced a rapid increase: the House knew that there had arisen in that country a number of great towns and great villages, the seats of commercial and manufacturing enterprise, in which many individuals had acquired great wealth. But unfortunately those large and formerly flourishing towns, were now the seat of the greatest distress and misery. But the distress which existed in that country at the present period, was greatly augmented by the influx into Scotland of the natives of Ireland, who, driven by the greatest poverty and distress at home, sought to better their situation by emigration to Scotland. The relief which they sought, he believed they had not found, but this influx had added much to the distress of Scotland. From all the information he had been able to obtain, the manufacturing population of that part of the country had been reduced from a state of affluence to a state of the greatest poverty. He believed that in what he was about to say, he did not overstate the distress, and his anxiety was rather to understate than overstate it. The great staple manufacture of that country was that of cotton. The spinners, who were in the proportion of one to three of the whole, were in a comparatively good state—were in the receipt of a considerable sum of money. But the other class, that of the weavers, who formed the great majority of the manufacturers, were in a state of the greatest poverty and despair.

But perhaps the best way would be to enter into some details on the subject. He held in his hands a statement of the wages paid, at different periods, to the manufacturers in the neighbourhood of Glasgow. He believed that in that neighbourhood the wages of the weavers in 1803, when they were at the highest, were 25*s.* per week. In 1812 and 1813, they fell considerably, and in 1816, they were reduced as low as 10*s.* At the present moment they were 5*s.* and 5*s.* 6*d.* at most. They had now been in that state for a considerable time. They had in better days been able to make considerable savings from their wages, and to make great purchase of furniture, clothes and otherwise; for though he was not a native of Scotland himself, yet from his being connected with a northern county bordering on Scotland, he had had ample opportunities of knowing the intelligent and moral character of the Scotch, their ambition to keep up furniture, to wear better clothes than the natives of the southern part of the island; in short they had altogether a higher and more respectable air and appearance than the people of this part of the country. In the neighbourhood of Glasgow the people had been forced to carry their furniture and clothes by degrees to the pawnbrokers, and he had been told on the best authority, that the pawnbrokers having advanced their whole capital on these pledges, were

nearly in the same distress. The consequence of all this was, that the people were not merely in a state of poverty and distress—these were idle terms—they were in a state of famine—in a state of starvation. Their former prosperity added to their present sufferings. From the natural feeling of self-preservation, those people were impelled to look for a change. These men thought that their miseries would be remedied by a radical reform of that House, and thinking so, it could hardly be viewed otherwise by them than as a question of life and death. However erroneous their ideas on the subject might be, the House ought to sympathise with men in their unhappy situation—they were happily placed in a different situation—they were removed from the temptation to which these unfortunate people were exposed; but they ought to feel some degree of charity and tenderness for those who were placed in their situation [Hear, hear!] He had stated what the wages were in the neighbourhood of Glasgow; he was told that in Paisley they were much lower. There were three classes of workmen. The first class who used to earn from 25 to 30*s.* per week, was reduced to 8*s.* 6*d.*; the second class was reduced to 4*s.* 6*d.*; and the third class could obtain no employment whatever.

He was not able to ascertain the amount of this last class of wretched people, but he understood they amounted to many thousands. In Ireland there were no poor laws in existence; in England the poverty of the manufacturer was relieved in some degree by forced contributions from the public; but in Scotland, there was no law to compel relief to persons who were able to work. He was told, however, that there had existed a contribution on the part of the gentry, which did them the greatest honour. There had been long indeed in Scotland an union between the gentry and the people, to the great advantage of both. But what availed these contributions of individuals, when whole towns, large districts, were in want of bread? Under these circumstances it was natural that so intelligent a people as the Scotch should look around them to see if they could find any remedy to their evils. He believed any person who had looked to the progress of opinions, would allow that there were particular periods, not only in the history of this country, when particular feelings and wishes might be considered epidemical. In the sixteenth century the great question was religion, and every one knew with what ardor the people of Scotland entered into that question. In the seventeenth century the great question in the country was, the right of taxation. At the present moment, throughout all the world, at least throughout all civilized Europe, the question which agitated the minds of men, and which was of the utmost consequence to the well-being of states, was that of representative governments. In Scotland, educated as the people were—and when the peasant and mechanic were in the habit of reading the works of the best poets and historians of their country—It was quite impossible that they should not deeply imbibe the feeling which was now so general throughout all Europe. Though they were led to expect from a change in the representation what a change could not give, still the desire to be admitted to a participation of the benefits of the constitution ought never to be an accusation against them with men who were taught to consider their constitutional rights the greatest of blessings. If ever there was a country where from the diffusion of intelligence, the people were entitled to all the blessings of constitutional liberty, it was Scotland. The very great intelligence of the people only added to the poignancy of their present distress, and disposed them to seek with the greatest ardour and perseverance to cure the abuses which, rightly or wrongly, they considered to produce the very distress under which they were suffering. An hon. friend of his had just put into his hands a statement of the earnings of the weavers of Paisley at the present moment. The first class earned 6*s.* per week; the second class 2*s.* 6*d.*; and the third class nothing at all.

He should now advert to Yorkshire, the next great manufacturing district. It was acknowledged, that in all the manufacturing neighbourhood, property formerly of considerable value was reduced almost to nothing; that the king's taxes and poor-rates, and various demands made on the people, and which were rigorously exacted (the landholders were more merciful), had had the effect of reducing the smaller proprietors to the situation of paupers. He would content himself with stating, that the discontent of that district originated, not merely in distress, but famine.

It was not the evil inclinations of the people, but their distress, which induced them, like drowning men, to catch at any straw and listen to any remedy which was held out to them. The manufacturing interest were clamorous against high prices; the agricultural interest among them said, unless you keep the prices high they could not exist. The first class, the manufacturers, said they could not carry on their trade unless prices were lowered. The agriculturists said they could neither pay rents and taxes, nor exist as a class of men, unless prices were raised higher. He now came to Lancashire. The part of Lancashire to which he more particularly alluded, was the hundred of Salford and Manchester, in which there existed a population of about 400,000, solely employed in manufactures. In this district many villages had grown up to large towns. The population of that part of the country had grown up to an enormous extent in the course of a very few years. Along with the augmentation of the manufacturing population, another circumstance had arisen, which operated unfortunately on the present distress; he meant the dispersion of the gentry. The whole of that great manufacturing population were therefore not under their natural police, but chiefly under the authority of individuals who had no interest in the permanent prosperity of the place. There was another class of men in the magistracy—manufacturers who had left off business, and who were supposed to have an inclination to support those who were in the situation in which they were formerly themselves. The clergy were the other class of men in authority. The result of the whole was, that there did not exist in that part of the country that union between the magistrates and the people, which was essential to the due execution of the law. A great part of this evil might arise from the circumstance that the lord-lieutenant of that county had nothing to do with the nomination of magistrates. The nomination of magistrates was in the chancellor of the duchy; the consequence of which was, that those nominated to the magistracy had generally been persons who held principles which were considered high flown Tory. The gentry of Manchester, and that neighbourhood generally, in 1745, were Jacobites; and it was his firm belief, that though the object of their worship was changed, their principles were the same. While such illiberal opinions were entertained by one class, the education of the labouring orders had been carried to a great extent. He could prove by the incontrovertible testimony of thousands and tens of thousands, that the greatest improvement had taken place in the morals and education of the lower orders. He would say then, that in consequence of this education, and the feelings to which it had given rise on the part of the people, and the violent opposite feeling on the part of the magistrates, there had resulted a strong opposition between them. There was one union of men calling themselves radicals on one side, and another formidable union of persons, calling themselves orange-men on the other, who were encouraged and fostered by these magistrates. He knew the fact, that one of the judges at the last assizes thought proper to pass the severest censure on one of the partners of a great house connected with a magistrate, for conduct connected with one of those societies of an illegal nature. He knew, too, for certain, that in that county there were men who prostituted the office of minister of religion to gratify the passions of the members of this society. As he saw the right hon. the member for Liverpool in his place, he would ask him if on the day of the anniversary of the battle of the Boyne, there was not in Liverpool a procession of Orange-men, who celebrated their horrid rites, and got up that procession in a manner which could hardly fail to have a necessary reaction on the other party? They got up a procession, in which there was a person dressed as the pope, another as a cardinal, and there was carried before them the mock insignia of the Catholic faith. These persons entered a church, where having stripped the Catholic robes, they with the insignia were committed to the flames, and then there was found a clergyman who preached a sermon to them. He considered that clergyman to have been guilty of what was little better than sedition and blasphemy. He held in due reverence those persons who ministered to the altar; he estimated that character highly, but he could not help saying that the conduct of the individual filled him with horror, and if he had not blasphemed, no man ever blasphemed [Hear, hear!]. Nor was this instance a solitary one; the same things took place in other places, and were fostered by the magistrates—they took place in the neigh-

bourhood of Manchester. Under this state of things—this aggravating conduct—this difference of sentiments between the governing and the governed—they could hardly wonder that the discontent should here be extreme. He held in his hands an account of the rate of wages in different parts of Lancashire, comprehending nearly all the manufacturing neighbourhoods. The wages earned in one place were from 6*s.* to 9*s.* and 10*s.* per week, for fifteen hours labour per day; in another place from 7*s.* to 8*s.* for 13 hours per day; the next 6*s.* per week for 15 hours per day; in another place 6*s.* per week for 15 hours; in another 7*s.* per week for 14 hours; in another 6*s.* per week for 15 hours per day. No language could convey an adequate description of the distress of the people. They had been, to a great extent, compelled to sell their clothes—their beddings were sacks stuffed with chips—they had no blankets;—in fact, the situation of themselves and children was that of hopeless misery. This was but a sample of the condition of things that prevailed generally throughout those districts; and he would ask, whether it was not natural, whether it was not an unavoidable result, that the people should look to parliament for assistance? Could they be expected to endure miseries of this description without applying for relief to some quarter? If no relief was obtained, discontent must be the consequence, and discontent would finally produce despair. He readily admitted that these feelings had been inflamed by the practices of designing men; but for the greater part they originated in, and were kept alive by, what approached to a state of famine. Give them but food and work, and the House would soon cease to hear of their distresses or their discontents.

Seeing, then, that this was the general disposition amongst these classes, and that their poverty and sufferings were undisputed, it might be worth while to advert a little to the view which was taken by them of the late transactions. It was a firm persuasion amongst them, that long before the meeting on the 16th of August, the municipal authorities at Manchester were their enemies. They were convinced that the meeting itself was legal, and they knew that it had been dispersed by the sword. Their belief was, that the magistrates in committing Mr. Hunt for high treason, and liberating him on bail for a misdemeanor, had shown a disposition to strain the powers of the law. They conceived that excessive bail had been demanded in the first instance, for they found that whilst the magistrates required security to the amount of 1,000*l.*, the judge of assize considered 400*l.* to be an adequate sum. All these circumstances they looked upon as so many acts of injustice. The grand jury was supposed to have been influenced by partial considerations; and it had since appeared, that they were justified in their opinion that the magistrate at Warrington had acted illegally. The whole proceedings under the coroner's inquest seemed to them equally unwarrantable, and to manifest an equally hostile disposition towards their rights and interests. The House, too, in subsequently refusing to go into an inquiry upon all these subjects, had done more to excite distrust and inflame animosity, than by any proceeding for a long series of years. The belief and opinion which he had just mentioned as being universally entertained amongst many classes, he himself knew to be the full and firm conviction of a most respectable portion of society at Manchester. The persons to whom he now referred were good, rational, and sincere men, of deep religious impressions, of a sedate and sober character, seldom mingling with politics, or acting out of their domestic circles. Even amongst these, a certain air of fierceness, foreign to their original deportment, was observable, which reminded him of that passage in which lord Clarendon says, that the gentle nature of Hampden was so affected by the injustice which he had witnessed, as to appear entirely changed. Two questions therefore presented themselves with reference to this important point—what the state of feeling was prior to, and what it had been since, the 16th of August. His own belief was, that the fatal events of that day had led to a determination on the part of many to provide themselves with arms. Still they placed some dependence on the proceedings of parliament. In the mean time, the utmost anxiety was shown for labour, in order not only to procure subsistence, but to provide means of defence. Ever since the 16th of August, an awful and portentous silence had marked their ordinary intercourse. It bore too strong a resemblance to that state of public feeling so powerfully described by the historian, as having at one famous period of

national misfortune characterised the Roman people: — "Neque populi, aut plebis, ulla vox, sed attoniti vultus, et conversæ ad omnia aures. Non tumultus, non quies, quale magni metus, et magnæ iræ silentium est." Many circumstances had long before occurred to produce resentment, but the latter had filled up the measure of what they conceived their sufferings and their wrongs. An hon. friend of his had presented a petition in the year 1812, in which it was offered to prove a series of conduct on the part of the magistrates of the most unjustifiable and irritating nature. Instead, however, of examining, the House granted an indemnity. That the same system of outrage and oppression was still pursued, there was too much reason to apprehend. Most of the information of his majesty's ministers on the subject of these discontents was obtained on the reports of spies and others, who he would not say were immediately connected with government, but were employed by persons who were prone to be much too busy in their avocation. Whilst upon this part of the subject, he would also add, that one end to which he wished the inquiry, if agreed to, should be directed, was the providing some better municipal form of government for the town of Manchester than it possessed at present. Its whole police was now in the hands of a boroughreeve and constables, assisted by two stipendiary magistrates. He doubted not that their police-officers had been engaged in some very atrocious transactions; and he was sure the House could not do better than inquire into them, and endeavour to devise some better system of future regulation.

The first point of the inquiry which he recommended, however, would be, into the general state of the manufacturing districts; but it would be, he conceived, a mere delusion to limit that inquiry to the state of the markets for particular commodities. He could not exclude from the consideration of the state and condition of the manufacturing classes, the causes of their present discontents. It might be found impossible to frame any plan of general or immediate relief, but he had no doubt that many measures might be adopted to correct and mitigate the evil. It had been justly remarked, that, in this view, the people had done every thing, and the government nothing. Even small purchases of an article that was depressed in value had often been found extremely beneficial. The occasion, too, was a proper one for undertaking works of a public nature — he did not mean palaces, but works of solid utility, roads and canals by which all the operations of commercial and agricultural industry might be promoted. Even all this might be found insufficient, he admitted, to afford employment to the hundreds of thousands who stood in need of it; but if only thousands could be relieved, was not that an object of national importance? But there was also something to be undone, as well as much to be done. It might be found expedient to repeal those absurd laws, passed in times of barbarism and ignorance, with regard to the true maxims of commercial policy, by which, under heavy penalties, the emigration of our artisans was restrained. At the present moment that emigration, in his opinion, ought to be permitted *ad libitum*. He did not mean by this observation to approve the plan of carrying them amongst savage nations, and with imperfect means of colonizing. It was not, however, to be denied that there were too many whose absence from their country would be felt rather as a blessing than a loss, at the present moment. But he would wish to see them emigrate to our own colonies and possessions, whither they would carry their skill and knowledge, and where they would both communicate and receive advantage. It was far from his design, he could assure the House, to involve any committee in a labyrinth of matter, out of which it might be difficult to extricate itself. Though the subject was comprehensive, it was definite, and led to conclusions by no means irreconcileable in their nature. His motion had for its object the restoration of peace to a distracted country—to unite and tranquillize where disunion alone unhappily reigned. He should indeed glory if he could be rendered the humble instrument of soothing misery and allaying discontent—of raising a temple of harmony on the spot which was now a scene of agitation, of suffering, and of strife. The hon. member concluded amidst loud cheers by moving, "That a committee be appointed to inquire into the present state of the Manufacturing Districts."

Lord *Castlereagh* observed, that he did not rise to follow the hon. member through the extensive details into which

he had entered, but he could not avoid remarking, that there was no painful circumstance, no dark picture, that could be presented by the most mischievous, which had not been introduced by the hon. gentleman, although he was ready to admit that their introduction by the hon. member was for an object widely different from the mischievous purposes for which such references were too frequently made. On entering the House, he had communicated to the honourable gentleman, with a view of rendering his motion unnecessary, that he did not object, in the first instance, to the appointment of a committee. But at the same time he felt the importance of defining specifically what the nature of the inquiry was which was to be intrusted to them. It was a duty which the House owed to the unfortunate classes of society, on whose behalf the inquiry was to be undertaken, not to cause expectations far beyond the means of parliamentary relief. When the hon. member said "give the people food and employment," did he think that it was possible for the legislature to do that? Was it possible for any fund to be established that would secure employment, amidst all the fluctuations of commerce and manufactures? Upon what principle could government act, if in seasons of difficulty they were to recognize the policy of taking from one class merely for the purpose of giving to another? Such a practice was equally inconsistent with all the rules of sound policy, and with the very nature of property in general. Yet the hon. gentleman had just delivered a speech by which it appeared, that there was nothing in the temper of an angry and irritated people, nothing in speculative policy, nothing in the administration of government, that did not mix itself with that question which he had proposed to refer to a committee up stairs. He would venture to say, that no such trust ever had been confided to a committee. That committee if appointed, would indeed be placed in a cruel situation, if the House were to instruct it to go into the consideration of all those topics. If the fact were as had been stated, that Lancashire was a county of Tory magistrates and orange clubs, if it was really divided in parties complaining of mutual injuries, and of grievances unredressed, he could not imagine a more certain means of committing man against man, party against party, and inflaming whatever of animosity already excited, than such an investigation. Was this an expedient course, a fit remedy to be adopted, in the temper and feelings which prevailed in that district? Could any measure be more calculated to bring the passions of men into an interminable conflict, than to inform this agitated part of the country, that a tribunal was now sitting ready to listen to any story which one neighbour could tell of another, every old complaint, and every actual grievance that could be alleged? Such a course would set person against person, party against party, and instead of what the hon. member termed a tranquillizing and conciliatory committee, a source of disorders and confusion would be opened, destructive of his object and replete with danger. However disposed he might be to accede to an inquiry, the object of which was to ascertain facts, and to discover more clearly and intelligibly the causes of distress in the manufacturing districts, he must guard his concurrence from any assent to what would in the event be so injurious a proceeding—a proceeding that would go to try over again every subject of local agitation and private dispute which could be revived in the present irritated state of public feeling. When he found that the present proposition tended to obtain by an indirect manner or side wind, the very kind of investigation into angry transactions, which parliament had decided was only fit for courts of justice, he could not accede to such a motion. He thought it would only be calculated to increase the evils of the times, and he trusted the House would take the same view of the subject, and would not contribute to place the country in a state of greater discontent than it was at present by granting a committee on such sweeping grounds.

Mr. *Baring* said, he could not see in the proposition for the committee any ground for the objections of the noble lord. Such a committee, even from the very words of the motion could not be presumed to take the course supposed by the noble lord. He was as averse as any man to confound political inquiries with an investigation into the state of the unparalleled distress notoriously existing in the manufacturing districts. It might be stated in the motion that the inquiry should be purely commercial; the attempt to go farther would be mixing questions calculated to counteract the

very purpose of its appointment. It was however very natural that his honourable friend in that characteristic zeal, eagerness, and benevolence which distinguished his public life, should not have gone through his statement without adverting to circumstances which no man could reflect upon with feelings of indifference. But how did it follow that because such a reference was made in the speech of his hon. friend, that therefore the proceedings of the committee were to be encumbered with such inquiries? It might indeed furnish the noble lord with an excuse to resist the real object; but in what a situation did such an objection, if acted upon, leave the House? After having by former decisions, refused every political investigation, while the House was in the progress of passing five or six bills, which without any reference to the question of their necessity, must be considered as very important restrictions on the liberty of the subject, they were likely to separate for the holydays, without taking any one step to investigate into that state of severe and unprecedented distress, which was admitted by every one to exist in the country. But it was said the remedy was beyond the control of parliament. Even if it were so, and though it could be clearly made out that no positive benefit would follow the labours of the committee, yet he insisted that the House of Commons was called upon by a sense of decency to institute an inquiry when millions of their miserable countrymen were in such a situation—In such a state of things the noble lord, he trusted, would not oppose the motion merely because his hon. friend had not drawn it in that manner, and in those set phrases, which would have appeared to him more suitable. He still hoped that the noble lord, on further consideration, would give them the committee. For his part, he would have no objection to the insertion of words in the motion which should prescribe the precise duties of the proposed committee. It was impossible to reflect on the great change which had taken place in the character of the population of the manufacturing districts—in seeing a part of the country, once distinguished for loyalty, he might say ultra-loyalty, now converted into the theatre of sedition and disaffection—without feeling that the causes of such a violent transition ought to be deeply and minutely examined. None could be assigned but distress; and it was incumbent on the House to ascertain its causes and its extent. They would hear from others better qualified to judge, their opinions on this subject. To him it appeared mixed up with many circumstances. The immediate cause of distress amongst the manufacturing population was to be found in diminished markets, and diminished consumption of our manufactured articles both at home and abroad. To account for that diminution it was sufficient to advert to the state of every branch of national industry. In a very short time it was probable the distresses of the agricultural body would be brought before that House for its consideration. Indeed it was the strange but strong feature of the intensity of the great distress, that all classes, from the largest landowner to the humblest weaver, were in a state of great uneasiness and depression. The same distress was felt in America, brought about chiefly by the alterations in her currency, with regard to which she had lately formed her policy very much on the model of our example. Her agricultural produce had in consequence suffered a depreciation of one half, and her dealings had decreased in proportion in the markets of Manchester and Sheffield. He must repeat, though he was aware that the observation had given great offence to some persons, that it was the natural effect of a transition from war to peace, to produce in those branches of the public industry a considerable depression. But that the certain cause of the continuance and aggravation of that distress was to be found in the want of tranquillity and security in the manufacturing districts themselves, he had not the smallest doubt. Those districts were suffering at that moment under the evils which the confusion and anarchy inseparable from the delusions so mischievously propagated, could not fail to produce. With such a state the progress of successful industry was incompatible. He felt so strongly the force of that evil, that he had no hesitation in saying that if such a state of things continued for eighteen months, there would be an end to the manufacturing prosperity of the country. In what manner that state of confusion and agitation was to be repressed, whether by coercive measures or conciliation, was not then the question; but he would repeat that all commercial industry must disappear under such circumstances. The worst enemies the popula-

tion of these districts had, were those designing agitators,—those fiends, as he must call them, who turned the views of the inhabitants of those districts to the ruin of the constitution as the remedy for their distresses.—Though such was his conviction, he was himself what was called a moderate parliamentary reformer; he did consider it both expedient and politic that some change should be made in the formation of that House. But when he heard persons talk of the state of the representation as the cause of the existing distress, he did think that such an observation could never be offered to the attention of men, unless through a gross contempt for their understandings. Under what system, he would ask, had the manufacturing interests raised themselves to that unparalleled height of prosperity to which in this country they had risen? Under the present state of parliamentary representation certainly. It was important that the people now suffering should understand and feel this, because he felt assured, that such was the ignorance and delusion that prevailed in their minds, that in every cottage and cabin throughout those counties, the picture of that charlatan and arch impostor Hunt was suspended, holding him out as the only person from whom these persons could expect either redress or remedy for their miseries. As long as these delusions prevailed, there existed the strongest obstacles to the return of prosperity in the manufacturing districts. If these deceived persons deserted the path of their duty and became politicians alone, there would be an end to the hope of returning prosperity. These deceptions exposed and their influence destroyed, there was no apprehension to be entertained as to the revival of trade. He did not agree with the view which his honourable friend seemed to entertain as to the improbability of that revival. It was his opinion, that unless capitalists were frightened and driven away, our manufactures would speedily revive. What had British capital and skill to fear with the whole of the New World open to their industry and enterprise—when, in the whole extent of territory from Cape Horn to Baffin's Bay, scarce an individual was to be met who was not clad in British manufacture, or a House to be entered of which the furniture was not composed of British materials? We had also begun to drive an independent trade with the East Indies; and the consumption of British manufactures in Europe was still considerable. There was, then, reason to expect as great demand for our manufactures, quite as much, as one would desire in any country, though certainly not so much as we possessed when, during the war, we had the monopoly of the world. But if those counties were not restored to that tranquillity and good order, without which commercial security could not exist, our rivals at Rouen, or on the Maine, or elsewhere (whose rivalry it would under other circumstances be absurd to dread) must succeed, and supplant this country in every branch; while the unhappy and deluded population would be left wise legislators perhaps, but without food and clothing. But of all the wicked and unfounded misrepresentations which agitators propagated amongst these deluded persons, nothing exceeded the attempt to hold out as their enemies, the capitalists, living in their neighbourhood. Without capital, how could the skill or industry of the workmen find employment? But if these capitalists found their lives and property insecure, could they be expected to remain? He understood that they were already moving away in considerable numbers. If the progress of the evil was not speedily arrested, and for such a beneficial change he mainly relied on the good sense of the people (for after all, whatever might be the extent and character of the delusions practised, the good sense of the people of this country at length generally interposed) irremediable ruin must be the result. The alarm of the present period was particularly great—there never had been a period when so much of the capital of the country was withdrawn for the purpose of being invested in foreign securities, as during the last three weeks. A sort of panic had seized the public mind—there was a general *sauve qui peut* amidst monied men, each endeavouring to outrun the other in removing capital from the kingdom. This was a state of things which required the attention of parliament. The alarm could be dissipated only by the lower classes becoming satisfied that it was not their interest to pursue their visionary schemes, and by the higher perceiving the impossibility that a social system like that established in this country should be disorganized by such means. In any other case, the extent of danger could not be calculated. His own opinion was, that a considerable

degree of the present distress in some of the manufacturing districts arose from this insecurity on the part of many capitalists, who very naturally feared to embark in business, which would be attended with more than those ordinary risks which all men looked to in trade. At the same time that he stated this, he admitted that there were a variety of circumstances which it would become a committee of the sort proposed to inquire into, and which it would be the duty of the House to take into serious consideration. He was not then prepared to say what measures it might he proper to adopt; but whether any immediate practical measure should result from this committee or not, there would at least this good effect follow —it would be impressed on the minds of those who were discontented, that the House was disposed to do something for them. God forbid that he should be of opinion that the great body of those who were discontented and who were said to be disaffected, were wilfully so. He admitted, that many of them were in distress, and were deluded by those who took advantage of that distress to instil pernicious principles into their minds. If any thing could be done to relieve them in the way of contribution, he should not hesitate to give his vote for the application of one or two million from the public fund for that object. We had resorted to such expedients in cases not so important as the present. At the same time that he would be glad to acquiesce in this or in any measure which could afford relief, yet he did not think the one he had now mentioned would be the best; for if it was considered that there were a million of persons in this distress, of what avail would 3 or 4*l.* each be to produce effectual relief? When, however the distress which prevailed was looked at, one anxiously caught at a measure which appeared calculated to give relief, though in viewing its details he might be startled from his own proposal. In agreeing to give such a pecuniary aid as that to which he alluded, he should be acting against his better judgment; but he mentioned it as showing what he would be disposed to do. There was another question connected with this subject, and which ought, in his opinion, to be referred to the investigation of a committee—he meant the state of wages. This might be considered by some as a small question, but it appeared to him peculiarly deserving of attention. It had, no doubt, been maintained by the political economists, that trade should be left to itself, and that arrangements with respect to labour should be left to the employers and the employed—that, in fact, the legislature should not interfere in such topics. This was, he admitted, a very sound principle, generally speaking; but it should be recollected, that in this country the character and operation of our poor laws produced an artificial state of society; for if we had 100,000 men engaged in trade, and 20,000 of that body were compelled to work on terms inadequate to their support, the remainder must supply the deficiency, or the community generally must be incumbered for that purpose. But a particular cause, which had arisen of late years, demanded inquiry upon this subject of wages. He meant the advertisement of several parishes to let out paupers upon reduced terms. He would not deny that the desire and policy of men engaged in trade was (whatever might be said of its inhumanity) to screw down the price of labour as low as possible. He did not say that this was generally done, but it was acted upon in a degree to be productive of considerable mischief. The great manufacturer who employed a very large number of men, and who embarked a very considerable capital in trade, could not effect this low reduction. He was obliged to take many things into his consideration, besides the immediate profit he might derive from it, and he allowed those in his employ a regular and stated price; but the small capitalist, who cared not what the world thought of him, went on a different system, and got together the scrapings of workhouses, whom he employed at from 2*s.* 6*d.* to 3*s.* per week. From those causes, the wages of the operative labourers were so materially reduced, that notwithstanding the principles of the political economists, which were generally unexceptionable, he was, he must confess, for the sake of humanity, an advocate for the establishment of a *minimum* with respect to wages. To inquire, then, into those points, he would vote for the proposed committee, in order that the House might have an opportunity of receiving information from the manufacturers themselves, who had experience upon those subjects, for he must confess, that he had himself no experience at all. He had, however, impressions which he felt it his duty to state to the House, with a view to urge investigation. But there

was another point connected with this question, which he thought called for inquiry—he meant the state of the currency. Gentlemen would not, he hope, feel alarmed, as he did not intend to enter into the question of the currency at any length. But he could not help observing, that the state of the currency had a very material effect upon the present distress of the country. If, when the paper currency was said to have been depreciated 25 per cent. a metallic currency had been issued at that depreciation, the course would have been, in his judgment, much wiser than that since followed. For by the issue of such a currency, the country would have been, in his view, saved from an addition to the national debt, to the amount which he had mentioned; and that too at a time when the means of bearing such an increase were considerably diminished. One result of this had been, that the facility of commercial speculation was very much diminished. Whether a great part of that speculation was well founded or not, or whether we had not well got rid of it, was not now the question, nor would he stop to inquire into it; but this could not be denied, that we were now labouring under the effect of it. He would not go into any question upon the policy of the measures to which we had since had recourse on this subject; but while he said this, he wished it to be understood, that he had no desire to interfere with the system which parliament had adopted with respect to the circulating medium of the country, or the restoration of cash payments. As parliament had adopted that system, it ought to be pursued. One thing, however, he would advise—that as we had raised the currency, we should pay in both gold and silver, by which, in his opinion, the facility of commercial speculation would be very considerably increased; but upon this subject he might possibly have to occupy the attention of the House at another time. This appeared to him the better plan with respect to the interests of commerce, and to those interests he trusted that House would always be duly attentive, for notwithstanding what a right honourable gentleman had said on the other side as to the paramount consequence of constitutional objects, and the comparative insignificance of commercial considerations, he hoped that the constitution and the commerce of the country would as they had long done, go on prosperously together. But the peace and prosperity of the country depended mainly upon the maintenance of its moral character, for if that character were gone, it mattered nothing whether the distress of the country were relieved, or its taxation reduced. He apologized for having thus taken up the attention of the House, and trusted the noble lord would, on better consideration, consent to a committee, with the understanding that it was not to include in its investigations any political inquiry.

Mr. *Bootle Wilbraham* observed, that the speech of the honourable gentleman who had just sat down, had done him infinite credit. But he could not concur in the view of the hon. gentleman with the establishment of a *minimum* of wages. There had indeed been two committees appointed by that House upon the subject of trade, to the evidence and report of which he would refer the hon. gentleman, in order to show the impracticability of the proposition which he had suggested. With respect to the speech of the honourable mover, whom he would take the liberty of calling his honourable friend, he was sorry that he could not approve of the view which his hon. friend had taken of the subject; for it was certain that nine-tenths of the speech with which his hon. friend introduced his motion, had reference more to extraneous matters than to the objects which a committee might be supposed to be called upon to inquire into. For his hon. friend, and for those feelings by which he was actuated, he had the highest respect; but there were some parts of his hon. friend's speech on which he deemed it necessary to make a few observations, as conceiving he possessed more accurate knowledge of facts than that which had reached his hon. friend. First, he begged to deny that disorder and discontent prevailed most in those districts where distress existed to the greatest extent. In many of those places where the greatest clamour was excited, the people were not only not out of employment, but were in work, and had comparatively good wages. With respect to the appointment of magistrates in Lancashire, he could not agree that it was such as to produce any evils. There was this difference in the appointment of men to the commission in that county from others—that in the latter the magistrates were appointed by the *custos rotulorum*, or by the lord high chancellor, but in Lancaster they were nominated by the

chancellor of the duchy; and he would affirm, that in the exercise of that important trust, no unfit person had been selected. There was, however, one difference in the selection—that from motives which he was certain would be approved, no person having any connexion with the trade of the place was put into the commission of the peace. This was a regulation which originated with Mr. Perceval, and arose from a feeling that, in disputes which must arise between masters and their men, those masters should not have authority to decide upon them as magistrates. This, no doubt, was a delicate matter, but it was a delicacy of which the necessity was obvious. His hon. friend had alluded to Orange societies, and to the procession of one in Liverpool. He had heard of such a fact, but of the many circumstances attending it, such as the sermon being preached, &c. he had not heard any thing before. An Orange club or society had, he believed, foolishly walked in procession through the streets, and were pelted by the people; but, however, what had that to do with the inquiry which it was wished to institute? He was one of those who thought that all such societies tending to create or keep alive party spirit, were mischievous, and ought to be discountenanced. With respect to the change to which the hon. member alluded in the municipality of Manchester, he (Mr. Wilbraham) did not think it was called for. The principal officers in the town, namely, the boroughreeve, two constables, and deputy constables, were appointed by a court leet under the lord of the manor, who was sir Oswald Moseley; and those officers were usually selected from among the most respectable inhabitants of the town. Manchester had flourished under such a municipal government, and he did not see how it was necessary to alter it. Allusion had been made to charges against the conduct of Mr. Nadin, the officer, at Manchester. He (Mr. B. Wilbraham) had also heard of charges against him with respect to what was called "blood money," but he could add, that of those charges, after they had been inquired into by the magistrates, Mr. Nadin was fully acquitted. It was not, it was true, before a court this examination was made; but from his knowledge of the magistrates, he might look upon their opinion on that subject as a verdict of acquittal. As to procuring work for the manufacturers of a kind different from that which they had been accustomed, he was apprehensive that such a scheme would afford little relief. Many of them had tried it, but from the effect of the shuttle on their hands had been rendered unfit for other work. He repeated his conviction, that persons willing to work were not to be found among those who had so much contributed to agitate the northern counties, and especially Lancashire.

Mr. *Wilberforce* said, he regretted that those persons who were so clamorous in decrying the constitution, could not hear the excellent speech of his hon. friend—could not hear him assert, that under that excellent constitution, we had become a great, industrious, prosperous, and moral people. That speech marked a most laudable respect for the religion and morals of the country, and was eminently calculated to discountenance the spirit of blasphemy and disaffection, which was at present unhappily so prevalent. He was sorry that they, whose object seemed to be to subvert all order—to destroy all moral and social feeling, under pretence of improving, or as it was said restoring the constitution: he was sorry that these, and the unhappy persons whowere deluded by them, could not hear the danger in which his hon. friend had proved the commerce of the country was placed by such practices. His hon. friend had justly said, that commerce and manufactures would depart the land if those seditious practices were continued; for here was the difference between land and commerce in times of public calamity and disturbance—that the value of the one might be much reduced, but the other would be destroyed altogether; and what would be the fate of this country when deprived of this great source of her wealth and prosperity? She would share the fate of those other countries which when deprived of trade, were reduced to the lowest distress, and almost removed from the rank of nations. The fate of Venice and the Hanse towns showed that commercial prosperity or credit could not co-exist with an alarm as to the instability or insecurity of property. He agreed with his hon. friend, that something should, if possible, be done to look out for employment for those who were now deprived of it. If only a small number were so employed, it would create a proportion between the demand for labour and the supply. Something he thought might be done on this ground, but he conceived that no good could be expected

from an inquiry into the various topics to which the hon. member by whom the present motion had been submitted to the House, had referred. If it were to be limited to the manufacturing class he should have objection to inquiry. But the discontents of which the House and the country had heard so much, were not, it appeared, principally found among the unemployed, or the really distressed, but among persons differently circumstanced. Those who were discontented with the constitution of parliament, were, it appeared, equally discontented with the character of religion. But those malcontents who felt little for the sufferings of the people, were not so universally successful in the propagation of their system as they seemed to imagine. He indeed was happy to say, that their noxious doctrines were decidedly repelled by the religious associations with whom he had the honour to be connected, as was especially found in Ayrshire and other counties in the west of Scotland, the inhabitants of which, without murmur, laboured under very great distress, and were most patient under their privations. This circumstance, and indeed the contents of the papers on the table, proved to him, that it was not where the greatest distress existed that disaffection most prevailed. Yet those papers manifested an extent of turbulence and disaffection that called upon the legislature to interfere. The hon. mover had observed, that the discontents of the people in Lancashire were greater since the 16th of August than they were before, and that the object of the people was parliamentary reform. For himself, he would say, that he was once an advocate for a moderate reform of the system of representation in that House, but he must confess that he was so in order to prevent such a fever as at present prevailed. He now, however, saw, that nothing like a moderate reform would satisfy the discontented. No; nothing would now satisfy them but the utter destruction of the constitution. Therefore he would make no concession likely to give power to those who appeared to seek nothing less than the subversion of the constitution. The distress of the people he lamented as much as any man, and he concurred with his hon. friend in urging the adoption of every possible plan to relieve that distress. He agreed with his hon. friend as to many of the causes of our present distress. He admitted that a great part of it was connected with the state of the currency; but there was another great cause—the effects of the long war in which we had been engaged. It was natural that a long war should be productive of such distress; it was one of the wise dispensations of an all-wise Providence that men should keenly suffer the calamitous consequences of war, in order to restrain them from a pursuit so revolting to a benign nature. If such consequences indeed did not follow evil deeds, an encouragement would be held out for the prosecution of vice. He again adverted to those itinerant and seditious individuals who went about the country preaching most pernicious doctrines, and only anxious to destroy what they pretended to improve, and he again wished that they could have heard the opinions of his hon. friend. Great had been the neglect, not indeed of the legislature of the present day, but of former times, in omitting to attend to the education of the lower classes. By a strict attention to the education of the poor in morality and religion, could we alone hope for future tranquillity and prosperity to the country. Where people were destined to possess a great degree of liberty, there must be a certain degree of moral education to enable them to enjoy it. Things of this kind had hitherto been too much left to themselves, and the results were now felt. For if a proper notion of the sacredness of property had been given to the people, would they have passed such resolutions as those by which they had disgraced themselves at Barnsley? He should only add, that as far as the inquiry proposed could lead to the alleviation of the distress that existed, there was no greater friend to it than he was; but he deprecated the extension of that inquiry to other subjects.

Mr. *Philips* expressed his hope that a good effect would be produced by the observations of his hon. friend respecting Orange meetings, although, no doubt, the noble lord classed these observations among those which ought not to have been made. He was convinced that the influence of his hon. friend's opinions on those persons in Lancashire who had been alluded to, was very considerable. If, also, it appeared from what had been said respecting the appointment of magistrates, that the present system tended to produce magistrates of one class of political opinions only, that surely was a great evil. The only valid objection which, in his opinion, had been made to the motion, was founded on a

remark of the hon. mover, from which he, and he believed all the House dissented, with respect to the propriety of discussing the question of a *minimum* of wages. There was no doubt that the present state of the manufacturing districts had produced effects injurious to the commerce and prosperity of the country; but the evil, he apprehended, was to be met only by natural means, and could not be removed by legislative measures. He deprecated the idea of persuading the manufacturers that their wages could be raised except by the natural course of demand for labour. In his inquiries into the state of the operative manufacturers, he had recourse to a great manufacturer in that part of the country, who was a person of moderate political opinions, and well qualified to give him the requisite information. He had learned that the spinners were, in general, very well off, and that the weavers were in the worst situation. The general average of wages obtained by operative manufacturers of every description was as follows —men from 9*s*. to 12*s*. a week, and boys and girls, from 4*s*. to 6*s*. Many had much lower but others had much higher wages. It was to be recollected, that it was not with manufacturing as with agricultural families, where the whole earnings were confined to the wages of the man. When weavers had numerous families of sons and daughters, grown up, they might, low as the rate of wages was, earn what would make them comfortable; for boys and girls of 16 years of age might gain nearly as much as the father of the family, and the mother fully as much, if not called away by domestic duties. The manufacturers, therefore, on the whole, were probably not in so bad a situation as the House conceived them to be, though they were in a state of depression compared with their former condition, which they felt most severely. Nevertheless, he thought that the acquiescence of the House in the motion of his hon. friend, would be productive of the best effects on the manufacturing districts. The determination of parliament to refuse an inquiry into the proceedings of the 16th of August, had already produced the worst consequences, and the dissatisfaction of that part of the country would be increased if this inquiry was also refused. The tax on wool was one of the chief sources of manufacturing and commercial difficulty and discontent in Yorkshire. Among the good effects of inquiry, one would be, that the committee would, he had no doubt, recommend it to men of property and influence to reside on their estates, for it might be observed that, in Lancashire, in proportion as wealthy and respectable persons belonging to the county resided elsewhere, public agitators had gained ground; and the population had been abandoned to their exclusive influence.

Mr. *Stuart Wortley* was anxious to address the House, lest it should be supposed that he was adverse to all inquiry.—Had the motion been *bona fide* for a committee to inquire into and endeavour to adopt measures for the relief of the manufacturing interests, in his conscience he believed it might be productive of great good. It would be productive of great good, because it would show that the House was not insensible to the distresses which existed to so melancholy an extent, and show also that time only could remedy them. He felt that the state of the country was most painful, and that a great body of the people were in the deepest distress, aggravated by persons telling them it could only be removed by a change in that constitution under which they had grown up to the height of their former prosperity. But friendly as he was to investigation, it was impossible for him to suppose that any beneficial result could be attained by a motion like the present, mixed up and introduced with so much political matter. He would agree with the hon. gentleman who had just sat down, that a great part of the distress and dissatisfaction that prevailed in the manufacturing districts, arose from the non-residence of persons of wealth and rank.—The mechanic and his master were left, as it were, to themselves, and they had for some time been quarrelling about wages. Between the labouring mechanics and the master manufacturers, there was an opposition of interests, and violent disputes which had lasted for years. It was not as in the agricultural counties where the peasant looked up to the farmer, the farmer to his landlord, the proprietor to the peer, and the peer to the Crown, thus forming a connected chain which bound the highest and lowest classes of society together.—On the contrary the operative weaver saw no gradation. There was only himself toiling, and his employer apparently enjoying all the luxuries of life: no wonder he repined at his condition, and at observ-

ing that all labour was exhausted but for this single end. The House had often in the course of these discussions received the advice to conciliate; but the factious put it out of their power, by the violence of their conduct, to conciliate.—They could hold no parley with those who came forward to demand that they should give up the constitution. He had been led to this view of the subject, by perusing the writings of the discontented, and with the permission of the House he would read some paragraphs from a pamphlet recently published, not indeed by a Radical, but by a person of their own rank in life, if he was rightly informed, by a gentleman of education and talents who was a candidate at the late Westminster election. He certainly had no authority for saying so; but he believed that to be the case. The pamphlet was entitled "A Trifling Mistake in Thomas Lord Erskine's Preface to a Defence of the Whigs," and it would show the House what were the opinions entertained by certain Reformers on the subject of reform. It was preached up by the public agitators, that reform was the only source from which relief could flow to the people; and how did the writer of the pamphlet in question speak of the motion for reform which was about to be submitted to the House by a noble lord. —"It is, however, not quite so consoling, nor, may I add at all accountable, when I find your lordships' call concluding with the notification, that you have fixed your sheet anchor in lord John Russell's reform proposition, announced, so you say, for the next session of parliament. Gracious Heavens! are you laughing at us, my lord? It is not fair that one man should expose another to ridicule by placing him on an eminence, which his own modesty would prompt him to decline. At the same time, my respect for this young gentleman's personal character shall not prevent me from saying that there is not a single man except Mr. Perry (and he only said he did) and your lordships, who cares one farthing about lord John's proposition, or who looks at it with any interest whatever." He would not at present state his opinion of the noble lord's intended motion, nor would he say whether he intended to vote for it; but the extract which he had just read showed how every system of moderate reform was ridiculed. He should now read another passage of the same pamphlet, from which the House would see what the reform was that the author wanted, and his notions of the manner in which it was to be accomplished.—After adverting to the recent transactions at Manchester, the writer of the pamphlet proceeded thus:—"As the truth of lord Grey's prediction that 'the House of Commons will never reform itself,' receives confirmation from every succeeding session; what extraordinary folly must it appear, or rather how insulting it is to the common sense of the people who suffer, to send them for redress where no redress is to be obtained? The people feel confident that one of the first measures of the next session will be to do by act of parliament what the ministers were foolish enough to try to do by the more bungling and hasty expedient of the sword. Ministers look forward to the assembling of parliament as they do to the array of an army—they know something will be attempted against the liberties of the people, and the only question with them is whether they are likely to be strong enough to resist. The parliament is by them regarded as a sort of *état major* to the army: there is the ecclesiastical and the civil part of the establishment; there is a commander-in-chief, seldom seen except at the bottom of a piece of paper: the statutes they make the orderly book; nothing but paper in themselves, but which are absolute commands when forced down the throat at the point of the bayonet.—What prevents the people from walking down to the House, and pulling out the members by the ears, locking up their doors, and flinging the key into the Thames?—Is it any majesty which hedges in the members of that assembly?—Do we love them?—Not at all,—we have an instructive horror and disgust at the very abstract idea of a boroughmonger. Do we respect them?—Not in the least. Do we regard them as endowed with any superior qualities?—On the contrary, individually there is scarcely a poorer creature than your mere member of parliament; though in his corporate capacity the earth furnishes not so absolute a bully. Their true practical protectors, then, the real efficient anti-Reformers, are to be found at the Horse Guards, and the Knightsbridge barracks: as long as the House of Commons' majorities are backed by the regimental muster roll, so long may those who have got the tax-power keep it, and hang those who resist.—The only wild and visionary Reformers

are those who expect a voluntary abdication of the controlling power of the most powerful empire upon earth, on the part of the present possessors of all the honours, and emoluments, and consideration, that dominion can bestow. A philosopher, a bigot, a sovereign wearied with toil or swayed by caprice, have been known to resign the reins of government; but the whole history of the earth furnishes no example of a whole body of masters, peaceably and willingly laying down that dominion which they have silently and gradually usurped. The man must be rather unreasonable who expects such virtue, such moderation, such self-sacrifice, even in an individual; but to hope for them, or to think them to be had for asking, from a whole and numerous class of society, is absolute madness. This is, indeed, wild and visionary. Nothing but brute force, or the pressing fear of it will reform the parliament. The parliament know this, and they see that the people are now meeting and following up lord Grey's recommendation to assemble, and to act upon the prudence, that is, the fear of the House. Is it not natural, then, that the parliament, should be disinclined to have its prudence so acted upon? of course it is. The ministers, who are the committee, or part, of parliament always in session, have not chosen to wait for a meeting of the whole; but have drawn the sword, without ceremony, to stop these assemblies from acting on their prudence."—The author in the next page, went on to say:—" My determination, for one, is fixed. If those who have the power attempt to deprive me of the inalienable right of meeting my fellow-countrymen by letting loose a soldier at me, without the warning of an act of parliament, I will resist him if I can: if they do give me the warning of an act of parliament, I will break it if I can. I consider the object exactly the same; the injustice equally calling for resistance; the mere additional ceremony is not worth the statute paper;—the times, the means, the occasion, must of course make part of the prudential question, which every man must determine for himself, and concerning which I do not wish to be his prompter."—If such language was held, he would ask how could they come quietly and with due deliberation to the discussion of the question of parliamentary reform: of that species of reform which they were told was laughed at, while the people were assured that nothing but brute force could have any influence on the House. At a period of agitation and distress, such as now existed, how could they make concessions, or attempt conciliation, without seeming to act from weakness?—He felt the weight of the question of parliamentary reform. He was aware that there was a very great majority of the people of the country who thought a reform of that House was necessary. He was anxious to discuss the subject as often as possible, for he was satisfied that the more it was sifted the more clearly the public would see the fallacy attempted to be imposed upon it, and be convinced of the folly and absurdity of the opinion that had been propagated, that reform was a cure for all distresses. He would say, that any great change in the constitution of that House would be a change of the constitution of the land, and therefore ought not to be introduced. The constitution wished to be overthrown was the constitution of our ancestors, and was that form of government, effectual for all practical purposes, which had rendered the country great through many past ages. To make any material alterations in this glorious fabric would be to devise a new constitution, and to try a most dangerous experiment. He felt for the distressed as sensibly as any man, but their situation was not the cause of the evil; it was the engine worked upon by a set of persons who thought they saw their way to a revolution, and whose designs must be counteracted.

Mr. *Maxwell* said, there was a feeling among the working population of Scotland, that by the dispersion of the meeting at Manchester their rights were affected. He thought the parliament should show that the rights and interests of the people were not disregarded, and on that principle he should vote for inquiry, without any intention of supporting the wild political doctrines which were advocated by some persons. The first effect of distress among the manufacturers was, that they took away their children from school; the next, on dissenters, that they could not support their religious establishments. With the decay of religion and education, the sources of national, and especially manufacturing prosperity, must be weakened. There was a notion among the people, that the House had lost all sympathy with the people.—He hoped the

House would endeavour to show the falsehood of such a supposition. He had considered it his first duty, as a member of parliament, to exert his influence in the part of the country with which he was connected, to induce the people to respect parliament; and he also thought it his duty on the other hand to tell the House, that they ought to afford every possible assistance to the distressed manufacturers of the country.

The *Lord Advocate* said, it was impossible for any man to view this question, and not to see that the interests of England were inseparably connected with those of Scotland. He should offer no exaggerated statement to the House, because he conceived statements of that character to be highly injurious. He believed, indeed, that nothing had given greater confidence to the reformers in the several parts of the kingdom, than the exaggerated accounts which had been propagated of the numbers attending their meetings, and of their importance in other respects. At the same, it was necessary that the House should know the real state of that part of the kingdom with which he was connected. Independently of the assurance which had been given, that the reformers in England looked with confidence for assistance from their northern friends, he had no difficulty in saying that Scotland, was in an unpleasant and alarming state, which rendered the measures now before parliament absolutely necessary, to preserve her tranquillity; and even with them, the utmost vigilance of the magistracy, and the best exertions of all the well-disposed portion of the community. At the same time, should it ever be brought to the test, he did not doubt that Scotland would be true to itself, and would disappoint the expectations of the disaffected in other parts. That evil passions should predominate in some parts of the North would not appear strange, when hon. gentlemen considered the exceeding populousness of some of the principal manufacturing towns. Glasgow was hardly inferior in this respect to any place in the kingdom; and Paisley also contained a large population. Both had suffered severely, but it afforded him pleasure to be able to state, that in Glasgow a great part of the people had suffered without a murmur. He regretted, however, to say, that discontent was not confined to those who were in distress, but had spread among those who were not feeling the pressure of want. In the spinning department, for example, where no reduction of wages or of labour had been made, women were at this moment receiving from 10*s.* to 15*s.* a-week, and men from 12*s.* to 35*s.*, and yet in that class there was as much discontent, and the numbers of radicals among them was as great as among the weavers who could barely earn a subsistence. The cause of this difference between the situation of the spinners and that of the weavers was this—the spinning was regulated by machinery, and consequently could not produce a greater quantity of thread during the hours of labour, nor employ a greater number of hands at one time than another; but the weaving was performed by the weavers at their own houses, and when the wages of the poor weavers got lower, they, with their looms at home, endeavoured to supply the deficiency, by working several more hours in the day. This, of course, had caused a surplus of produce. It was also to be recollected, that when troops were raised in Scotland during the war, there being then a scarcity of employment for operative manufacturers, the greater part of the recruits had been drawn from Glasgow, and other manufacturing towns; and when these were discharged, on the return of peace, they had resumed their former occupation; and thus the number of weavers had been greatly increased, while, at the same time, the demand for manufactured goods had decreased. Nor was the disaffection in Scotland confined to the manufacturing classes; it had extended itself to the coal-mines in the neighbourhood of Glasgow, though the workmen in these mines had higher wages than they had had for years before, and provisions were cheaper than they had been for a long period. Yet these persons had become radicals, as keen and anxious as any other body whatever. This was the stronger proof, too, that distress, or real grounds for complaint, were not essential to the reception of seditious discontent. If any class of men had reason to rely with confidence on parliament, it was these coal-miners; for parliament had relieved them from a state of slavery. In former times they were bound to the owner of the mine where they wrought, and could not leave him; nay, even if he discontinued his works and they were permitted to go elsewhere, yet whenever he resumed, they were compellable to return. From that

degrading situation they had been delivered by an act of parliament. That very House of Commons, which these persons were running down, had put them into the same state as any other subjects of his majesty! Nor was this the whole extent of their obligation, for when the owners of the mines afterwards attempted to evade the law by binding them by pecuniary loans, parliament again stepped forward and declared, not only that the workman might go when he chose, but that all such contracts were null and void. Looking at the situation of Scotland, there were one or two other points of view which he begged to offer to the House. First, the march of the radicals onward to their purpose; and secondly, the method in which they were organized, were most alarming. With regard to the first, it would be recollected, that the Prince Regent, on dismissing parliament last session, alluded to the prevalence of seditious discontents, and advised gentlemen to be on the alert in watching the progress of the evil, and preserving the peace. At that time, and even for six months, it was thought in Scotland that there was no ground for such a statement. Yet, in six weeks after, meetings of reformers were held not only in Lanarkshire and Renfrewshire, but in Ayrshire, Dumbartonshire, Stirlingshire, and even in Fifeshire; and one of these meetings, he was grieved to say, had been headed by a person who was a landed proprietor and a justice of the peace. Even the highlands of Scotland had not been exempted from the infection. Taking advantage of the discontent arising from the system adopted in some parts of that country, of converting farms into sheep-walks, turbulent persons were now endeavouring to excite disaffection in the minds of the brave, gallant, and loyal highlanders; and to promote an unnatural union between them and the miserable radical reformers. —It was another feature of those designs, that as in former conspiracies secresy was affected, now organization was openly avowed. The doctrine of radical reform (that was, of universal suffrage, annual parliaments, and election by ballot), was declared to be indispensable, and what ought to be obtained at all hazards. The means indeed were not exactly similar to those adopted in England, but very close in their resemblance. In Yorkshire the disaffected combined in Unions of 20: in Scotland, the Union Schools, as they called themselves, amounted to about 12 in each, including a preses, a treasurer, and a clerk. As soon as the number exceeded the rule, another union was formed. They met weekly, and spent their time in political conversation, after which the most competent of the body was called upon to read to the rest all the seditious and blasphemous publications which they had been enabled to obtain since their preceding assembly. He wished he could say that these labours produced no practical effect. But in many instances the manufacturers, who in former times were in the habit of attending church, now employed the forenoon of the Sabbath in political discussions; and it was a common practice for weavers to work at their looms on the same day, and till a late hour of the night —and this too, with their windows open, to the horror and disgust of the passengers. One of those riots also, to which the attention of the House had been called, took place at Paisley on a Sunday evening. On this occasion, the houses which were principally assaulted were those of the clergy; and the same night, and during that which followed, an attack was made upon a methodist meeting-house, in which the congregation were assembled; the windows were broken, the people were dispersed, and the clergyman was driven from the pulpit. These facts were not stated upon any idle rumours; they were perfectly notorious, and afforded an unhappy illustration of the baneful effects of those pernicious doctrines which had of late been so industriously circulated. Another fact, to which he wished to direct the attention of the House, was the prevalence of general meetings. These were precisely of the same character with those which took place in this country. They were conducted with the same regularity, with the same show of military discipline, and with the same spirit that had been exhibited elsewhere. The very silence, and order, and regularity, with which the business of these assemblies was conducted, excited in his mind the strongest apprehensions; for upon such occasions in Scotland, there scarce ever was known an instance in which the collection of a large body of people was not attended with a riot. It was singular, that, at the first Paisley meeting a disturbance actually took place, which showed that the radical leaders, who tried in vain to prevent it,

had not then obtained a sufficient command over their adherents to ensure obedience to the discipline they desired. Now, however, they had acquired that control, and (contrary to the nature of Scotchmen) 5,000, 10,000, and even 20,000 persons of the lowest order assembled together, without the slightest disturbance, moved with precision, and separated with regularity; implicitly obeying every command of the orators, who harangued and deluded them. He augured from the tranquillity and order at these meetings, that a great though secret purpose was entertained; and he was persuaded that worse mischief was likely to ensue than if his countrymen gave way to their natural feelings, and rioted when they met in tumultuary numbers. Simultaneous meetings was another point which had been gained by the agitators in Scotland. Mr. Hunt had endeavoured to dissuade the Scotch from this plan; but the more violent reformers succeeded in counteracting his views; and simultaneous meetings actually took place at Paisley, Glasgow, and other places, on the 1st and 15th of November, and would have been continued at the end of every fortnight afterwards, but for the present measure of assembling parliament. The conclusion to which all these things led, and indeed it did not seem that much pains were taken to conceal it, was a general revolution, and a division of property—in which division neither friends nor foes were to be spared: and all this for the virtuous purpose of supporting the liberty of the subject! It was now a fact well known, that the demesnes of the lord-lieutenants of the different counties were to be made the subject of partition, as well as the estate of every other person possessing property. One of those noble lords had written to him on the subject, knowing that he held the highest official situation in Scotland, apprising him of the rapid progress of revolutionary principles, and stating, that unless he received an additional military force, he could not answer for the safety of the county of Lanark. The property of that noble person had like the rest been marked out for appropriation, and though the commander in chief of the forces could bring all that were in the country to bear upon Glasgow in twenty-four hours, it was not considered that the peace of the district was beyond the reach of the rebellious, or its population secured from spoliation. And be it observed, that the letter in question was written after government had, with unexampled rapidity, transported two regiments from the southern parts of this country into Scotland. Having said so much on that side of the question, it was but candid to state that he was not at all afraid but that the means existed in Scotland of resisting the danger by which it was threatened. He founded this proposition upon the good sense and reason of the people. The reformers in England might say that the Scotch never commenced any thing with which they did not go through. This he was ready to admit, but then it was not every Scotchman that had been seduced and led away. There were a great number of the community of that country, and those too of the lowest orders, who he was proud to say were mortal enemies to all wild schemes of anarchy and confusion, and who did not in the slightest degree go along with their promoters. It was the habit of many Scotchmen to look to the men by whom any new measures of reform were submitted as well as to the measures themselves; they inquired whether they were good husbands, good fathers, and good members of society; and if they found that those inquiries did not produce a satisfactory answer, they inferred that those who had not reformed themselves were not likely to reform others. He was also convinced, notwithstanding any partial effects which might have resulted from the promulgation of immoral doctrines, that the people of Scotland in spite of the arts employed to debauch their minds were still a religious people; and when they found political principles allied to the most horrible blasphemy, it would cause them to turn with equal indignation from both. Of their loyalty he was well convinced: it might sometimes have been mistaken in its object, but as a principle it was always sound and devoted. There was likewise a spirit of patriotism in Scotland which it would not be very easy to eradicate. The respectable inhabitants of those districts in which disaffection had shown its detestable front, did not stand with their hands across; they were the first to arm themselves, and to bid defiance to the monster by which they were threatened. This disposition had first manifested itself in Edinburgh, a city which had on all occasions evinced its loyalty. In 1793 a body of volunteers came forward to en-

rol themselves for the defence of their country; and on the present occasion, on foreseeing the coming danger, they once more assembled, in order to empower the commander-in-chief to dispose of all the regular military in such a manner as circumstances might demand. The same spirit had been manifested at Glasgow and at Paisley. From these efforts he anticipated the most beneficial results;—they would produce a great moral reaction in the public mind. He also expected much from the yeomanry corps which were raised in Scotland;—a species of force which, during the recent debates in that House, had been treated in a manner by no means consonant to his feelings. He had served 13 years in a yeomanry corps, and he could not bear, at least he felt uncomfortable, to hear the severe strictures which had been so liberally bestowed on them of late. They served without pay, to their own personal inconvenience and loss,—and, uninfluenced by any government, stood manfully forward to defend the country from every foe, foreign and domestic. He trusted, therefore, that they would be treated in that House with more respect, and that, at least, they would not be considered as having forfeited the right of Englishmen—to be deemed innocent until found guilty. He was glad that all the gentlemen on the other side of the House did not agree in the observations to which he had referred; indeed, one noble lord in his eye had set an example worthy of the adoption of all his honourable friends. Upon these general grounds, although he was willing to concede that cause for vigilance existed, yet he was by no means afraid of the kingdom of Scotland. He humbly submitted that he had made out his proposition; and that though precautions were necessary, no man need be afraid of the consequence. Having ventured to describe, so much at length, the situation of the country, he would not occupy the time of the House with many observations on the question immediately under discussion. If the motion before the House had been confined merely to the consideration of the best means of granting relief to the distresses of the country, he should have met it in a very different spirit; but as it evidently embraced a wide field of political discussion, which could only tend to inflame the minds of the people without granting them any effectual relief, he was satisfied that the appointment of the committee would inevitably terminate in disappointment and distress. With regard to conciliation, he was persuaded that there was no individual in Scotland, possessing property, who was not willing to come handsomely forward in aid of those who were really distressed. But this feeling must be met by some other sentiment than a spirit of hostility. That spirit must be put down, and the people must show themselves willing to submit to the power of the law, before they could expect relief. If individuals came forward while the present spirit existed, it would be attributed to fear, and the effect would be productive of evil instead of good consequences. He hoped and trusted, and indeed believed, that the deliberations of parliament would have the effect of opening the eyes of the people to the ill effects of their wild and chimerical schemes; and when once this was effected, he had no doubt that persons of property would come forward in the most liberal manner; and that this circumstance, aided by the admirable measures which had been introduced into parliament, would have the effect of re-establishing peace and tranquillity. He thanked the House for the polite attention with which they had listened to him, and could assure them he would never be prone to abuse their kindness.

Mr. *Ellice* said, that if he had not accidentally heard the latter part of the speech of the learned lord who had just sat down (having quitted the House for a short time), he should have thought the learned lord had been all along speaking on the report of the bill for the suppression of seditious meetings. The learned lord's speech throughout, in his opinion, had nothing in the world to do with the question before the House. For his own part, he had come down to the House with a determination to bend his mind solely to the subject which was under its consideration, and to that he would address the few observations which the House might allow him to make. He felt, however, that he could scarcely say any thing on the subject, without diminishing the effect of the admirable speech which had been made by his hon. friend near him, in almost every one of whose statements and arguments he cordially concurred; and in nothing more than in his intreaty to the noble lord opposite to review his determination to oppose the appointment of a

committee. Still he was free to confess that there were some objections to the motion; especially, if the labours of the committee were to be so restricted as to form a mere delusion,—in that case he would unquestionably rather leave the responsibility of acting, under the present critical circumstances, on the shoulders of government. Nevertheless, there were many points to which the deliberations of the committee might be advantageously applied. We had deviated too widely from the principles of political economy to render it an objection to any proposition that it was hostile to those principles. At present it seemed to him, that while one part of the kingdom was labouring under the greatest distress from an insufficiency of the prices of labour, another part was supported by means of the poor-rates. If something was not done to remedy this, the Scotch manufacturers must be entirely ruined, while the English manufacturer must thrive, because he was supported at the expense of the landholder. He begged to mention to the House an experiment that had been made at Coventry. About the time of the Manchester meeting, there was some disposition to riot in the city of Coventry, without, however, the least mixture of political feeling. Seeing the disposition as it grew, he considered of some means of meeting it; and he had earnestly recommended the manufacturers to meet that disposition, not with rigour, but with a leaning towards the people. The master manufacturers met him in the same spirit, and the very evening of the riot they subscribed 400*l.*, which was applied to the relief of 1,000 poor families. The next consideration was as to the best means of affording a permanent remedy for the evils which existed. It was admitted that the rate of wages was inadequate for the support of the labourer and his family. On conversing with the manufacturers, they confessed that they did not consider the rate of wages sufficiently high; but asked if they increased them, how they should get rid of the superabundant population, which they could not employ. He (Mr. Ellice) advised them to make the experiment, and that he would endeavour to provide a fund for the support of the unemployed. For that purpose he went begging in London, almost from door to door, receiving much aid from some of his hon. friends near him; and in the end collected about 1,500*l.* or 2,000*l.* which he sent down to trustees in Coventry, to be applied, not as part of the wages of the weavers employed, but to the relief of those who were unemployed. Until that hour, however, there had scarcely been a single claim upon the fund; and labour was in much greater demand at the high rate than it had been at the low. What was the consequence of these measures? When Mr. Lewis, who was not a freeman of Coventry, but who combined with the duties of a schoolmaster, the publication of a radical journal, called a meeting of the outskirts of the city, and which meeting he (Mr. Ellis) confessed he should have attended had its object been confined to the proceedings at Manchester, but which involved also the discussion of the question of annual parliaments, universal suffrage, and election by ballot, he was unable to get 200 weavers out of the town of Coventry to attend him. His hon. colleague said there was not one weaver present. It might be so, but he was sure that there were not 200, although about 1,500 persons had been collected from the outskirts of Coventry, from Birmingham, and from different parts of the county of Warwick. Indeed, such was the feeling of the inhabitants of Coventry itself, that those who were sworn in as special constables acted with a zeal against the radicals beyond their duty; but he was persuaded that had not the relief which he had proposed been afforded, instead of 200 there would have been 20,000 weavers present. Was it not desirable that a committee of that House should inquire how far it might be advisable under the existing circumstances, to adopt generally some similar regulation for the purpose of bringing the value of labour nearer its standard? It had been stated, that in all Lancashire and Scotland, wages had been reduced to from 3*s.* 6*d.* to 9*s.* a week. By adhering to this usage, we made a present to foreign countries in our manufactures of the difference between 3*s.* 6*d.* or 9*s.*; and the expence of the maintenance of the weaver. Than this, it would be better that there should be no manufactures. He did not absolutely recommend such a proposition; but he repeated, that it would be a fair object of inquiry by a committee, whether some regulation might not be adopted to prevent the wages of the manufacturer from being so miserably reduced; and he was willing to admit, that some of the evils which existed were, as

had been stated on the other side of the House, to be attributed to the speculations which succeeded the declaration of peace, by which the foreign markets had been overstocked. This evil certainly would subside in some degree, but by no means to the extent which had been anticipated. Although we suffered more at present than in all probability we should at a future period, yet we could never again expect to be enabled to export so large a quantity of our manufactures as were annually sent out of the country during the war. To admit of our manufacturers experiencing any relief, the load of taxes on the people must be diminished. A great cause of the present pressure was the approaching resumption of cash payments. For that resumption he had last year voted, because he thought it was an honest proceeding; a proceeding which if the circumstances of the country admitted it, he hoped would be persevered in; but he perfectly agreed with his honourable friend that it increased the debt and the taxes 25 or 30 per cent. But there were other causes for our distress which called more immediately for remedy, and these were to be found in the taxes upon the raw material of manufactures: he alluded particularly to those upon wool and silk. His opposition to the taxes last year did not proceed from any party feeling, but from his conviction that, with the additional weight occasioned by the return to a metallic currency, they could not be sustained. Let the House consider the nature of the wool-tax. If the committee were appointed, and the wool manufacturers of Yorkshire were examined, they would tell the committee that they must give up either the trade or the tax. It was the second attempt of the government to tax the raw material. As to the tax on silk, he had no doubt if that tax were removed, that our manufacturers would be enabled to compete with success against the French. Let the right hon. gentleman opposite take off the tax on silk, and he would consent on the part of his constituents to open the ports for a free trade with France in that article of manufacture. He did not speak unadvisedly; and he was assured that in that case this country would furnish at least as much as it would receive. And why should it not be so? Why could we not in that case compete with the French when it was considered that the French purchased a great part of the raw material from us? He did hope that the right hon. gentleman, (the chancellor of the exchequer,) before he came to press the taxes on these articles, would see the force of these observations. He was persuaded the evils which existed were not of so transient a nature as had been stated, and he had no hesitation in adding that it was impossible to go on enforcing taxation, without the risk of convulsion. He knew it was unpopular to make these declarations. He was the last man in the world to lend himself to the sinister views of designing men, but he thought it his duty to state, openly and fairly, the conviction of his mind. He would say, that the country was not able to meet taxation under the restriction which would take place in our circulating medium. It would be well for the right hon. gentleman (the chancellor of the exchequer,) to consider how much he endangered the public creditor by pressing on taxation. He agreed with Bacon, that the beginning of sedition was generally distress. If the measures recently recommended by government (on which he would not then say any thing) were to fail in their effect, and the present oppressive taxation were to proceed, who would be the first to call out? The manufacturer himself. He would find that he could not sleep safely on his pillow, and he would naturally say, "I'll take my capital abroad; there I shall be quiet, and I shall be protected in my industrious pursuits." He did not, in this, draw an exaggerated picture. Such had been the case with Holland. Holland, like this country, after the revolution, possessed an immense capital. The government, however, went on taxing not alone capital, but every production of industry. What was the consequence? The people became beggars, and at length the prosperity of that great commercial state was destroyed. The same effects were gradually lowering upon this country. There was evidently a very alarming distrust of the public securities of the country, and that not among the middle or lower classes merely; for it was a well known fact, that some noble lords, intimate friends and allies of his majesty's ministers, had recently sold large sums out of our funds, for the purpose of investing them in French securities. That was a transaction which could not pass unnoticed; and he thought it his duty to mention it in the House; and to add, that whatever might be the alarm in the country, it ought not to be manifested

in the first instance by those, whose duty it was to support public credit. In his opinion, it had become the imperative duty of parliament to institute an inquiry into the existing distresses of the country; with a view to afford whatever relief the suffering classes of the community might be susceptible of.

Mr. *Peel* said, he rose to disclaim the sentiment imputed to him by the hon. members for Taunton and Coventry, that parliament had now to make their option between the continuance of British manufacture and the continuance of the British constitution. He had never said any such thing. What he had said was, that while persons were to be found who wished to take advantage of the distresses of trade, for personal objects, he viewed with alarm the state of the manufacturing districts of the country, thus influenced by designing men. He had said that he saw a clear distinction between agriculture and manufactures; that there was a constant demand for food, but not for manufactures; and he had referred to various causes depressive of the working manufacturers, especially the perfection of machinery; but he had never said that which was imputed to him; and indeed it would have been a sentiment coming with a very bad grace from one who was so much indebted to manufactures. As to the motion before the House, he had never experienced greater difficulty than he felt with respect to it when he came down to the House; but that difficulty had been removed by the speech of the hon. mover, who had not, as he expected he would do, confined himself to those topics which his humanity would naturally have suggested to him, and abstained from the introduction of all political questions. At the same time he was bound to say, that had the hon. mover not so acted (he Mr. Peel) should have found great difficulty in entering on the inquiry; as his feelings would have conflicted with his sober judgment on the subject.—What had since occurred in the debate would have confirmed him in the inexpediency of instituting the proposed inquiry; from the conviction of the impossibility of devising any measure calculated to relieve those who were suffering distress. The hon. gentleman who had just sat down, had adverted to two subjects—the tax on wool and the tax on silk—which he recommended to the notice of the proposed committee. To those many others of a similar nature would in the event of its appointment be no doubt added. Now when it was recollected how long the investigation of a single subject—the poor laws, for instance—took a committee, who could suppose that, considering the multifarious topics into which it would be necessary that the proposed committee should enter, such a committee could come to any practical and beneficial decision?—It was not his intention to have trespassed upon the House at such length; but he could not help offering an additional observation or two in answer to what had fallen from some gentlemen on the other side of the House. It was said that some means of relief ought to be afforded to the poor. He admitted this fully, provided any real relief could be afforded; but in several instances attempts at relief only increased the distress. It was proposed that a *minimum* of wages ought to be fixed. It was impossible to do this with effect, unless an average of human strength could also be regulated. But if a *minimum* of wages were fixed, how could the manufacturer be compelled to give it, or how could he be compelled to give even the smallest pittance? Legislation of this kind was always dangerous, never beneficial. As to the employment of the poor upon public works, particularly in Ireland, his mind was made up on the impolicy of any such attempt. In the first place, where must the public works be undertaken? In the manufacturing districts, in those parts of the country where the public works already completed had been calculated for a period of greater prosperity than the present. No new work could be carried on without additional taxation; and considering the great want of economy in public works, he would ask if there could be any thing gained by taking money out of the pockets of the people for such a purpose; and by which the poor would be ultimately rendered poorer? He was sorry also to discountenance the hope a few appeared to entertain, that something might be done in the way of a parliamentary grant. It was in his view impossible, and there was in truth no analogy between the cases of foreign sufferers and those of our own nation. Undoubtedly, did we possess the means, our own distressed population had the fairest claim, but from whence were the means to be supplied? Foreign aid was given for some extraordinary and temporary vi-

sitation: the situation of our manufacturing districts was not like that of some West Indian islands that had been visited by a hurricane, or like Portugal when devastated by the progress of war. Here we must not only consider the severity of existing distresses, but the causes of them. He was convinced that they were entirely beyond the control of parliament; they were permanent from their nature, and supposing relief could be given by grant to one district, it would be setting a dangerous precedent for the rest of the kingdom, which at a future time might make a similar claim. Besides, it would rather tend to counteract the natural checks of increasing population, which, though affording a tardy remedy, was the only one he could discover of affording effectual and lasting relief.

Mr. *J. P. Grant* expressed his pleasure that the right hon. gentleman, who had just sat down had had an opportunity of correcting an error into which he (Mr. Grant) had fallen, in common with many others. The sentiment which his hon. friend had supposed the right hon. gentleman to have uttered was certainly most dangerous to the constitution. In reference to the speech of the learned lord advocate he observed, that lamentable distress prevailed in all the manufacturing districts of England and Scotland; that distress had given rise to disaffection, and that both well deserved minute investigation. He maintained, that although a meeting had been held at Dundee it had been very thinly attended, and that discontent had yet reached but a small part of the population. He expressed his surprise that ministers had not themselves brought forward the subject much earlier: it was admitted by them that the people were suffering under a degree of distress that language could scarcely describe, and yet they had been able to assign no rational ground for refusing to investigate. It was asked what plan was to be proposed for adoption if a committee were appointed? But surely it was not necessary to state any specific project. The business of the committee was, to discover a remedy. If a remedy could be found without a committee, it would only occasion needless delay to go through the inquiry. If, however, in the result, no remedy could be pointed out, the country would at least rest satisfied that the utmost had been done, and that in this instance at least parliament was not to blame. A part of the prevailing distress undoubtedly arose from a transition from war to peace, but on all former occasions our wars had been shorter, and our difficulties more evanescent. After a war of twenty-five years' duration, throughout which there had been an extraordinary expenditure of at least 25 millions a year—and after the whole of Europe had been engaged for the same length of time in a similar extraordinary expenditure, it was not remarkable that the increase of population which had been engendered by the increased call which this expenditure had produced during that period on our manufactures, should, on the return of peace, be thrown into a state of distress; but if it was necessary that so many hundred thousands should be suffering starvation in consequence of the line of policy which had been pursued by the government (the propriety of which, however, he had no intention of calling in question), and in which the country had embarked, he thought it now became the duty of that government and the country to direct their attention as to how far it might be possible to contribute relief. The population had been so augmented that it was now found to be too great for the quantity of labour to be performed. All this demanded calm investigation. Some amelioration of things might perhaps, be the result. A scheme might be discovered for levying a tax upon the rich who could afford to pay it for the aid of the poor who had not the means of living. He agreed with his hon. friend in thinking that even 5*l.* a man would be something, and he could not help expressing his extreme surprise that the gentlemen on the opposite side of the question with his hon. friend who had made the present motion, should concur in disapproving of the manner in which that motion was made, and yet not offer any correction of it. Thousands of people were actually in want of food, and perhaps that by employing them on public works, relief might be granted them by a much less sum than could effect so desirable a purpose in any other way. After so long a discussion on this subject, the House was too much fatigued, and were not now disposed to enter into the question. He would therefore say no more upon it. No man was more fully impressed than himself with the extent of the existing danger, and the necessity of adopting some means likely to remove it; and he was convinced

that if the inquiry was gone into the good sense of the government and the wisdom of parliament would suggest some eligible means to mitigate the existing evil.

Mr. *John Smith* alluded to the rapid inroad which machinery had made upon manual labour within only a few years. He did not mean to contend that this was not a great improvement upon the old system, but it was an undoubted fact that it had thrown a great many hands out of employment. He had attended to this point for some years, and he did not think that the attention of a committee could be directed to a more important object. He had listened to the speech of the right hon. member for Oxford with the utmost pain; the conclusion to be drawn from which was, that the wretched sufferers could hope for no relief. He had hoped that some species of compromise would have been effected, in order that so important a subject might have been fairly entered upon; and it gave him great surprise, and not less concern, that ministers refused to inquire at all. He was anxious for some inquiry into the existing evil; because, sooner or later he was convinced it would press itself on the attention of parliament. So many wretched persons in want of food, could not rest contented in a state so deplorable. Some remedy ought, at least, to be sought, if it could not be found; and he would cheerfully vote even for a property tax, if it were so regulated as to fall only on those who could afford to pay for the relief of the poor.

Mr. *William Smith* observed, that when it was admitted on all hands that distress was the great cause of the prevailing discontents, it was, to say the least of it, ungracious not to inquire into the causes of that distress. On the other hand, he could not but deprecate with his utmost force, holding out to the poor that dismal delusion, that the destruction of machinery would alleviate their sufferings. If the manufacturers were to be relieved by an increase of foreign demand and home consumption, it was the most absolute folly to assert that that object could be accomplished by making manufactures dearer, which would be the inevitable and obvious effect of putting a stop to the use of machinery. It might, indeed, be advantageous for a very transient period, and to a few persons in insulated situations, but it must totally destroy by the roots the whole exportation trade of the kingdom. Regarding the project for fixing a *minimum* for labour, he was of the same opinion, until an average of human force could be ascertained.

Mr. *J. Smith*, in explanation, utterly disclaimed any intention of depreciating machinery.

Mr. *W. Smith* expressed his perfect confidence in the declaration of his hon. friend.

Mr. *Mansfield* said, after the debate he had heard that evening, he was really at a loss to know on which side to give his vote. It would be a most gratifying thing to his mind if a committee were appointed to consider of the causes of the present distressed state of the country, unaccompanied, however, with any political feeling. He regretted, however, that the hon. gentleman who had opened the debate should have allowed himself to be led away by party feeling. It was impossible for him to support an inquiry which included so many questions of politics as might be embraced by the motion. Were the political part of the proposal separated from that which was purely commercial, a committee to inquire into the latter should receive his hearty concurrence.

Lord *Archibald Hamilton* admitted the statement of the lord advocate, that a part of Scotland was in a disturbed state, but he denied that disturbance existed to the degree which he pointed out. He was convinced that at least two-thirds of Lanarkshire were sound and loyal. The cause of the discontent was distress, and while that cause continued, the effect must also continue. The people were obliged to work fourteen hours a day, and could obtain only meal and milk for their support. Distress was much more prevalent than disaffection, and he could contemplate no reasonable ground for refusing the motion for inquiry. Ministers ought to apply their minds to prevent as well as to punish, but hitherto the latter only had received their attention. If they had any plan by which they could relieve the distresses of the poor, they ought to bring it forward; if they had not, he could not see why they refused to accede to the motion before the House.

Mr. *Davenport* trusted that the motion of to-night would be brought forward at some future period in a less general and obnoxious shape. If it had excluded politics, he would have given it his support.

Mr. *Tierney* promised to trouble the House very shortly. In truth, little or nothing had been offered on the other side which called for an answer. True it was

that the noble lord had spoken, and had stated his determination not to allow any inquiry into the distresses of the people. Why? Because the motion for the committee was not worded exactly in his own terms. All gentlemen were satisfied that distress existed—that that distress ought to be inquired into—and that it might possibly be relieved: but the noble lord had put his veto upon it. Investigation was not to be permitted. The other hon. members who followed on the same side, seemed satisfied with the noble lord's reason, and offered not a single syllable of argument against the principle of the question. The very able and eloquent speeches of the two gentlemen behind him were so convincing, that he had nothing to offer in addition to them. The debate had been interesting from the practical light thrown upon the subject, and from the speech of the right hon. gentleman opposite, which contained some important, though not very consolatory truths. His (Mr. Tierney's) principal object in rising, however, was to mark his sense of the conduct of his hon. friend who had moved for the committee. Whatever the House might do, he was well persuaded that the country would thank his hon. friend for the line he had pursued, and which, properly followed up, without the obstructions the noble lord wished to throw in the way, might terminate in important benefits to the country. He utterly denied that the inquiry, narrowed as the noble lord had suggested, would be attended with any advantage. If, indeed, nothing but perfect poverty and complete distress prevailed in the manufacturing districts, then it might be very proper to limit the investigation to the mere means of removing those evils. But was that the real state of the manufacturing districts? Was it not part of the noble lord's case, whenever it suited him to make it so, that something besides poverty and distress existed—something dangerous and prejudicial to the public interest? He put it to the House, whether, when the state of those districts required the five or six bills of coercion now before parliament, inquiry ought to be restricted merely to the distress, without embracing any thing to which those bills referred. The truth, however, was, that any thing and every thing might be investigated which did not come home to ministers; but the moment any thing general was hinted at, then cried the noble lord, "Oh, no! this is a party inquiry, and God forbid that we should mix up any party matters with these questions: mere distress you may inquire into, but you must not go one step further to see how the distress has been occasioned; that would be attended with extreme danger." The noble lord was right; it might be attended with extreme danger, not to the country, but to himself and his colleagues. He firmly believed that ministers were in a great degree responsible for the discontent which existed throughout the country. He believed that there had been a gross and culpable neglect of the public interest and safety, in allowing certain occurrences to take place without interfering to prevent them. Let them look, for instance, at the statement made by the lord advocate of Scotland, who had made a clear and explicit speech on this occasion which did him infinite honour. What did the learned lord say? He told them, that a large proportion of Scotland was in a state of disaffection; that disaffection was working under ground, and above ground; and, that for six weeks after this state of things was in operation, ministers had no idea of what was going on. Could they call that a government? What were they to think of the vigilance of those who suffered this dreadful volcano to threaten them under ground, whilst disaffection stared them in the face above ground, and yet did not think such dangers were worth inquiring into? He would call the attention of the House to the papers laid on their table. In the first paper, which was dated the 1st July, four Manchester magistrates stated to lord Sidmouth their opinion of the dangerous and alarming feeling which existed in that district. They declared to his lordship the danger which they apprehended; they demanded to know what they were to do; and observed, that if no new laws were enacted, they should not, they were afraid, be able to put down the spirit of disaffection. The House had not the answer of the noble lord before them; but they were acquainted with this fact—that parliament was prorogued on the 13th of July, and that very important business was postponed for that purpose. Indeed, parliament was prorogued with unnecessary haste, at the very time that government was apprised of the danger. What was this but saying to the magistrates, "You may do as you like; but you shall get no advice from us, because there is something we would much rather do at

the present moment. Our object is to get rid of the House of Commons." Did he, then, say too much when he thus openly declared, that ministers were responsible for what had passed in the country, because they had not taken steps at an earlier and more proper period to prevent it? He begged leave to ask, would it be satisfactory to the country, under these circumstances, to have a mere inquiry into the state of distress in the manufacturing districts? Would it not be proper to examine, and to show to the country, what were the machinations that led to those disturbances—to develope what the reason was that induced the people to assume this formidable attitude in various parts of the kingdom, always bearing in mind, that the disturbances in the manufacturing districts were pointed out as the ground for the introduction of measures affecting the liberties of the whole population of England, Ireland, and Scotland, by far the greater part of which had not committed any act that called for such coercion? Was it then useful to say, that such and such distress appeared to exist in such and such districts, without at the same time stating, why that distress had assumed so alarming a shape and character as it had done during the latter months? Gentlemen opposite declared, that there was no necessity for going into any inquiry with respect to the business at Manchester, because the House had decided that no investigation should take place. He did not know that they had so decided in terms, but he was certainly ready to admit that, practically, they had done so; that they had shown an evident unwillingness to enter into that question. But then it would be well to inquire, whether the conduct of the magistrates at Manchester had not created and increased the spirit of hostility which was observable there. That would be a proper subject for investigation, and he had no doubt whatever of what the result would be. He believed it would be found, that the conduct of those persons had done much to inflame the minds of the lower orders. Gentlemen opposite had said a great deal about itinerant orators, and of the mischiefs which they had occasioned; but how stood the fact? Those persons had gone through the country, and talked and prosed about annual parliaments and universal suffrage, till the people became tired and weary of them, and sent them home again. But government gave them new life, for it gave them a new subject to speak upon—a subject that came home to men's bosoms—a subject in which all were interested. This question, it was said, had nothing to do with parliamentary reform; perhaps it had not; but would it not be well to inquire whether the people had not imbibed a strong dislike,—a powerful aversion to the House of Commons; and whether something might not be done to remove this unfavourable impression from their minds? Did gentlemen opposite mean to say, that stopping inquiry, that refusing all investigation, was the best mode of putting an end to the distrust and aversion which prevailed in the popular mind? The hon. member for Yorkshire had said, that the more the subject was considered, the greater would be found the necessity for abstaining from any proceeding with respect to it. He (Mr. Tierney), for his own part, had no doubt that the more such motions were refused—motions having investigation for their object—the more loudly and frequently would inquiry be called for. He would confidently ask, whether the debate of that night would not plainly convince every man, that things, as they now stood, were practically wrong? Let the House consider the statement of the right hon. member for Oxford (a statement he feared much too true), of the situation in which the manufacturing interests of this country were placed. The right hon. gentleman was supposed on a former night to have said that the existence of our manufacturing interests was incompatible with a free constitution: but he had since declared that he had used no such expression. Such, however, was certainly his line of argument. The right hon. gentleman was on that occasion defending the propriety of making the bill then before the House, not local and temporary, but general and permanent. His argument was this: "I believe," said he, "that for the next 6 or 7 seven years, such will be the depressed state of the manufactures of this country, that we cannot look to an earlier period for taking those laws away." But he stated also, "If you have an immense manufacturing interest, and that manufacturing interest is liable to great fluctuations, it will be necessary to enact measures which will be at all times sufficient to meet the dangers that may be apprehended from those fluctuations." The inference then was, that they were not to build on

any precise period for doing away those measures; they were not to contemplate their duration for a year or two, but ought to make them permanent, in order to meet any fluctuation which might chance to arise! The right hon. gentleman denied that he had said, that the manufacturing interest and the constitution could not exist together. But his argument went to this extent—that while distress, arising from the state of manufactures, pervaded the country, the constitution was in danger: but that when the distress ceased the danger was at an end, and to meet that distress, whenever in consequence of any fluctuation it occurred, he argued that the billl should be permanent. How did the country stand at the present moment? It was affirmed and without fear of contradiction, that for the first time, money was sold out of our funds for the purpose of investing them in those of France. He knew that some years ago persons provided for their families by purchasing annuities in the French funds. That, however, was done to a very trifling extent, as would be seen by a reference to the list of claimants. But it was never before known that large sums were sold out of the English funds in order to strengthen those of France. This however, was not the worst part of the business. What surprised and alarmed him more was, that small sums were transferred in the same manner. If he were wrong some gentleman would contradict him, when he stated that sums of 200*l.* and 300*l.* were of late frequently taken from the hands of country bankers and transferred by the friends of the owners to the French funds. This was a circumstance of a most alarming nature, because it showed that the mischief was extremely prevalent. A large sum might be so employed as a matter of speculation; but when they saw the small streams of capital running in the same course, and working their way to the same reservoir, the danger to the country was manifest and alarming. It was stated by every gentleman who had considered the subject, that the people were over taxed; but not a word in answer fell from the chancellor of the exchequer. Some gentlemen asserted that the evils were caused by a transition from war to peace. The transition it, should be recollected, had occurred some years ago; we had had five years of peace, but the evils had not abated. In the year 1815-1816 it was stated that the transition from war to peace had occasioned the then existing difficulties, and no person could deny the fact, because it evidently must have, more or less, affected the labouring classes of the community. But they came to the end of the transition, and they were told in the speech from the throne at the opening of the last session, that so far from having any thing to complain of on account of the transition, the manufactures, the trade, the agriculture, the commerce of the country were in a most flourishing state. Then, surely, the transition was at an end! Oh no, the transition came back, only with this difference, that it had an alias added to it; and then, instead of a transition, it became a fluctuation. Thus, then, was their pitiable situation held out to the world—that they were taxed to such an extent, that the people could not bear it; that trade was so bad, that individuals could not procure a livelihood for themselves, which they had been accustomed to do; that no remedy could be found for these evils; that ministers proposed none, and thought of none; and finally, that the whole mass of the population were Atheists. Let gentlemen read the whole of this denunciation from top to bottom, and say whether there was ever a state of things more dreadful, or that more loudly called for a full and dispassionate inquiry. The hon. gentleman near him said, that this was a visitation from god, and nothing else. Did that hon. gentleman indeed, believe, and could he gravely state it to the House, that the mischief which had been going on for 25 years was to be attributed to God alone, and not to the restless dispositions of men? He (Mr. Tierney) stated on the first day of the session, and he would repeat it now, that no people were more sincerely disposed to the practice of piety and true religion than the people of this country. Now they were told that a taint appeared amongst them—that the people were demoralized—that money left the country—that trade sunk, and that stocks fell; and no man would say what was the reason of this state of things, because he was afraid to point out the true reason. A visitation from God! God had nothing to do with it. It was the work of the perverted mind of man. It was the defect of twenty-five years misgovernment, which was surely, though silently working on to the ruin of the country. Government had undeviatingly pursued that system

which tended more and more to the disadvantage of the empire, and of which the House of Commons daily heard still more and more. And then gentlemen affected wonder that persons groaning under these unfortunate circumstances, declared that something was wrong in the House of Commons which they conceived ought to be redressed. The debate of this night showed the necessity more than any thing that had occurred for a long time of speedily doing something to check the evil. The conduct of ministers on this occasion would be severely scrutinized. How had they acted? Because an inquiry was moved for on his (the opposition) side of the House, which was accompanied by a speech not palatable to gentlemen opposite, therefore the inquiry was refused. "You shall not have the inquiry," said the noble lord, "because I did not expect that it would be introduced by such a speech." And the gentlemen opposite were all so satisfied with that statement, that not a single word was said by them which bore on the question, except what had been offered by the lord advocate of Scotland. If no inquiry was conceded when parliament was called together under the pressure of circumstances such as every man must deeply feel, for what purpose had they been assembled? The result of their meeting was, that they passed severe laws against the people, that they agreed to coercive measures to keep them down, and when an endeavour was made to learn why the people were in such a situation, they had a short speech from a secretary of state, and were sent about their business, with the consoling reflection that they had destroyed some of the best liberties of the country. In this state of things, if it were the temper of government to refuse entering into an inquiry there was no use to have any argument about it. There was no case that more imperatively called for inquiry than the present state of the country. He should be glad to hear the opinion of the right hon. the president of the board of controul on the subject. Perhaps he (although the noble lord did not) would state what remedy he had to propose, and not let gentlemen depart with the idea, that the country was on the very brink of ruin, but that no man could point out a way by which that ruin could be avoided.

Mr. *Canning* said, although he hoped he was not often guilty of shrinking from a call when openly made upon him, yet he could assure the right hon. gentleman and the House, that he never rose with more reluctance than he did on the present occasion—first, on account of the late period of the night, which made him unwilling to protract the discussion; and, secondly, from a cause personal to himself—severe indisposition, which would have induced him to give a silent vote, rather than enter into any argument on the question. The right hon. gentleman had said, that his (Mr. Canning's) noble friend alleged no reason for not acceding to the motion, except that the hon. mover's speech was not shaped according to his fancy; and that, in the feeling thus expressed, the gentlemen on his (the ministerial) side of the House meant to acquiesce. He could not but think, that if the right hon. gentleman had at all watched the course of the debate, he must have seen, that the feeling which actuated his noble friend, in opposing the motion, was not a feeling of a personal nature; and if his noble friend had expressed the concurrent sense of those who sat near him, he also procured the assent of many gentlemen who came down to the House by no means prepared for such an opposition. Fortunately, the course which his noble friend had meant to pursue, and which many gentlemen would have concurred in, was not a matter of after-thought, or of doubt. He spoke in the presence of many individuals who knew, that so late as four o'clock this day, it was his (Mr. Canning's) intention, however rarely such a circumstance occurred, to have voted with the hon. gentleman who brought forward this proposition. But he was at that time persuaded, that the motion would have been introduced in the same spirit in which the notice had been originally given. He understood that certain private communications which were ordinarily made between gentlemen in that House, had taken place beforehand with the hon. gentleman, and that the motion was to be for a *bona fide* inquiry into commercial distresses arising from commercial causes, with a view to the discovery of any possible remedy that could be devised for ameliorating the present state of the country. The inquiry, he understood, was to be divested as much as possible of all connexion with those angry topics which had agitated that House for many nights, and on all of which, singularly and collectively, the House had already come to a decision.

But would any body who had heard the opening speech, or any part of that speech, lay his hand on his heart and say, that the motion was brought forward with that abstinence from political hostility, which gave it a chance of a friendly reception, or if carried, of a useful application to the questions which it embraced? It was rather a speech in which all the topics of inflammation had been connected together. It introduced every thing that was calculated to rekindle those animosities which might have subsided. They were, indeed, introduced collaterally, but unfairly—unfairly with respect to the topics themselves, and no less unfairly with reference to the inquiry that was to take place. They were topics, too, he must observe, on which the sense of the House was clearly taken, and on which its decision was intelligibly given. He did not mean to censure the hon. gentleman for the course he had adopted; he had undoubtedly a right to introduce public topics in the way which appeared to him to be most expedient; and he did not doubt that the hon. gentleman thought it was his duty to bring forward the motion as he had done that night. The hon. gentleman, of course, conceived it to be a part of his duty to throw as much obloquy as possible on his majesty's government, an object in which he was well seconded by the right hon. gentleman who had just spoken. If the speech delivered by the right hon. gentleman was meant to follow up the idea of the hon. mover, it showed that he had taken a correct view of the object of the motion. If the right hon. gentleman did not mean to follow the course of the hon. mover, if he meant to adopt a different mode of proceeding, it then threw on the right hon. gentleman the onus of showing that he had not defeated a motion, which, if brought forward with common temperance, would have ensured the concurrence of the House. When he came down to the House, he expected that the motion would be brought forward in the spirit to which he had alluded; and if so brought forward, it certainly would have received his concurrence. He did not mean to say, that in making up his mind on the subject, he had not only placed considerable restraint on his feelings, but also on his better judgment. Because, undoubtedly, in entering into a field of inquiry so wide as this must be, if confined to its express objects, without a precise knowledge of what that inquiry would be specifically directed to, they ran the risk of exciting expectations that might be grievously disappointed. If they entered into it with an idea of adopting any remedy that might casually be turned up, blame would attach to them for not having paused until they saw their way clearly before them. The hon. mover told them, in words short and emphatic, which showed the view that he took of the subject, that he would have no committee on cotton-twist, but one in which political topics should be investigated. He had used the words cotton-twist, because he wished to degrade the idea of a commercial inquiry: and his political view embraced the whole state of the county of Lancaster, involved all the Tory principles of the resident magistrates and gentlemen of that county, and all the conflicts of Orange and other societies within its limits. The hon. mover had done him the honour to appeal to him, on account of his connexion with Liverpool, as to certain circumstances which had taken place there. With respect to Orange lodges, and the system connected with them, the hon. mover might know that all that ever passed between him and such of his constituents as belonged to those societies was, that he had asked them for their favour. He had before and after his last visit to that town (and nothing had since occurred to alter his opinions), declared sentiments directly opposite to the great majority of those persons. He was not the person who, intending to go into an inquiry respecting the manufacturing classes, could consider it any necessary part of such inquiry to take up the feuds and quarrels of Lancaster, and set the people one against the other. That, however, was the spirit with which the hon. mover would go to the inquiry, so far as related to the general state of the county of Lancaster. The hon. mover would also introduce the events of the 16th of August. The interminable subject of the Oldham inquest; in short, all those questions, which any man who wished to enter into the main subject itself—who was desirous to strip it of all accidental circumstances, would have carefully avoided. But, as if the hon. mover's speech was not sufficient, at the end of the debate came forward his venerable mentor, who, instead of bringing him back to sobriety and temperance, instead of cooling his mind, and tranquillizing his passions, had encouraged his

warmth. He came indeed like Mentor, but it was like Mentor when he stole behind Telemachus, and pushed him into the sea. So did the Mentor of to-night get behind the hon. mover, and force him into the ocean of party politics. The hon. mover wished to inquire into the state of Lancashire, its ancient feuds and present animosities, but that would not satisfy the right hon. gentleman. He wanted a grand *coup d'œil.* He wanted to investigate the conduct of ministers for 25 years past, in a committee ostensibly formed to inquire into the commercial distresses of the country. This calm, temperate, moderate inquiry into the distresses of the time, was, it appeared, to be indissolubly united with the committee on the state of the nation, (for such it would be)—the good old parliamentary course for turning out one set of ministers, and placing another in their stead. Good would it have been for ministers, good would it have been for the right hon. gentleman and those around him, good for the country at large, if to-day had been a conferential day, and, if, with grounded arms, ceasing from hostility, both sides had agreed to consult the benefit of all; ministers did come down to the House in that disposition, and he was as much vexed as he was disappointed and surprised at the change which appeared to have taken place in the sentiments of the hon. mover since Friday last. The speeches delivered by an hon. gentleman opposite and his right hon. friend, while they did them infinite credit, and showed that their highly gifted minds were improved by practical knowledge—these two speeches were the specimens to which he would refer, as what he thought ought to have been the tone and temper of that debate. If the hon. mover had opened the business in that temperate mode, he would not have opposed the motion—nay, he would venture farther: even after the provoking speech of the hon. mover, if his right hon. friend had adopted the course of those two gentlemen, and thrown the irritating topics of the hon. gentleman a little more into the shade, instead of addressing the House as he had done, they might then have come to terms. But for some reasons inscrutable to him, the right hon. gentleman had thought it better to change that night, which was to have been a neutral night, to one of the most decided political hostility. One consequence was, that they had lost their object. Even on this subject—the subject of sacred misery, which should be hedged round from every feeling of political irritation—even with respect to that question it seemed the country was not to look for fair inquiry and cordial co-operation. He thought the gentlemen opposite had lost themselves a second time. One opportunity occurred at the opening of the session when they might have rendered an essential service to the country. They might have done that, without abating any part of the hostility which they felt towards ministers, which might be brought forward at other times and on other occasions. They had another opportunity to-night—an opportunity of their own choosing. They selected a subject, in bringing forward which they ought to have forgotten their political opinions, and carried the House of Commons into a calm inquiry into circumstances with which the interests of the country were so nearly concerned. But he was sure there was no man, the most unconnected with, and most insensible to, party feeling, who would say that it was possible for any government, valuing its character one straw, to agree to the motion of the hon. gentleman, introduced with such a speech as he had been pleased to deliver. But suppose they had gone into the committee, out of the two speeches to which he had alluded, there arose matter sufficient for an inquiry, the longest and most sedulous that could be imagined. First, the subject of the minimum of wages. He did not mean to say that the hon. gentleman had given any opinion on it; but he had thrown it out as a question which ought to be set at rest. Next came the whole question of our currency, which had occupied that House for two or three sessions in one way or other, and had particularly taken up much of the time of the last session, perhaps the most laborious that ever sat. There was also the question of the poor laws, which was already under consideration; but admitting the industry of those who were employed in that investigation, the result, he must say, had been extremely unsatisfactory. The next was, the question of machinery, which was easily disposed of in principle, but which, if the committee sat, would be brought forward for such an extensive investigation, as would be satisfactory to those persons who were most interested

in it. Next was the question of Scotland, and the absence of poor laws in that country. Then, added to these, there was the whole chapter of taxation, every part of which was to be sifted, in order to remove, if possible, what was stated to be a novelty—the tax on raw materials. Even if party politics had been completely banished, here was a field sufficiently wide to occupy the ablest and wisest heads for a long period. He thought the result of this discussion must be, to show the House that, whoever they might be who brought such extensive subjects before them, they were bound to state some outline, to give some description of the course which they wished the legislature to adopt. Nevertheless, if the committee had been proposed in the tone to which he had alluded, he would have agreed to it. No one could suppose that he and his hon. friends could look at these questions lightly. He was prepared to go into that committee with all its difficulties, if party and political feelings had been left out of the question. He felt, on the one hand, that it was not likely to have a satisfactory result; but on the other, though they might not be able to see their way clearly, they were anxious to show that sympathy for the distresses of the country which could only be expressed by such an inquiry. He did think that ministers had a right to complain that the honourable mover had made it impossible for them to accede to his motion. But if a committee were appointed to inquire into the distress of the manufacturing counties, he believed that would be the last and the least point of consideration with the hon. mover, who had introduced all the angry topics, and adverted to all the inflamed passions of the county of Lancaster—who was, besides, to have the assistance of his right hon. friend, who had attempted to trace all the miseries of the country to the conduct of government for the last twenty-five years. Was it likely, with these facts before them—when, in stating their object, the gentlemen opposite could not divest themselves of an ingenuous confession of what they really aimed at if they got into the committee—when one-tenth of their observations were bestowed on topics which at the very commencement showed the feeling they had in their hearts—was it, he would ask, likely that ministers could acquiesce in their demands? He did most earnestly wish that the committee had been moved for, as he understood it would have been; but, being disappointed in his expectation, he was bound to oppose it. He did not mean to do more than to account for the vote which he should give, and to express his sorrow that he was obliged to give it. He had no doubt that the hon. mover had introduced political subjects from a sense of duty; although he did not see any mention of politics in the motion. He regretted that the hon. gentleman had taken such a view of the question as had stripped it of its greatest advantages. He had, however, chosen that particular course, and if the proposition were negatived, he had himself to thank for it. Had this motion excited hopes of any beneficial result in the minds of the people, on the hon. mover and on his friends must rest the disappointment occasioned by its ill success.

Lord *Folkestone* said, that the right hon. gentleman who had just sat down had observed, that it would have been better for the House and the country, if the motion had not been introduced by his hon. friend in the manner in which he had brought it forward. He, however, anticipated much benefit to the country from this discussion; and he approved entirely of the spirit and manner in which his hon. friend had treated the question. He had thrown a considerable light on the subject, and explained many circumstances that were not known before. The right hon. gentleman had objected, that his hon. friend had taken that opportunity to introduce political matters. Now, in his (lord Folkestone's) view of the question, it was quite impossible to consider the state of the manufacturing districts without adverting to political topics. They had learned in the course of the debate, that the greatest distress existed in the country. That fact, which had been denied over and over again, was now fully admitted, and had indeed rivetted the attention of the House during the whole discussion. The hon. member for Bramber had stated, that the distress of the country had arisen solely from the war; for that it was impossible to suppose, according to their ideas of Divine Providence, that a thing so atrocious as war was, should not be followed by a variety of evils. He begged to remind the hon. gentleman that the late war was, from the beginning to the end, supported by the hon. member himself [Mr. Wilberforce here mo-

tioned a dissent]. Two years after the war had commenced, he (lord Folkestone) believed the hon. member had made a proposition for entering into negotiations for peace; but he was sure he was correct, when he stated, that that wicked war (applying the term to all wars) was supported most strenuously by the hon. gentleman himself. The distress which now existed could not have arisen from any war, unless that war had been accompanied by a system of misrule, and as during the last 25 years the country had always been under the government of the same men and the same measures, was there any reasonable ground for hoping that we should obtain any remedy for it from our present rulers? The right hon. gentleman, while he declared that it was entirely owing to the speech of the hon. mover of this debate, that he had not consented to the motion itself, described the object of the motion to be in his opinion, so wide, that no committee could possibly accomplish it; so that, according to the right hon. gentleman himself, it was not upon its merits that this motion was to be negatived. Shortly afterwards the right hon. gentleman found another reason for not entertaining it; it cast considerable obloquy on his majesty's ministers. The noble lord was, however, more frank in his declaration than was the right hon. gentleman. He had confessed that he would not allow the motion to pass, whether obloquy was or was not cast upon the ministry. As the noble lord's declaration preceded the declaration of the right hon. gentleman, he (lord Folkestone) might be permitted to suppose, that the right hon. gentleman's objection to this proposition arose from mere dislike to it, and not from the cause which he pretended—the obloquy cast by it on the advisers of the Crown. For his own part, he was free to confess that he did not conceive the proper place for taking this subject into consideration, to be either a committee of the whole House, or in a committee up stairs: it was a subject that ought long since to have attracted the attention of the government of the country, as was proved by one circumstance which he would mention, as well as by many others. The municipality of Manchester ought long since to have been changed. It was an immense town formed within a few years from a paltry village, and yet its municipality was the same now, when it possessed 98,000 inhabitants, as it had been when it possessed no more than a few hundreds—namely, a boroughreeve, and two constables, elected at a court leet by the tenants of the lord of the manor. Ought not the government then, who knew the unquiet state in which that town had so long been placed, and who also knew that part of its inquietude arose from the constitution of its present municipality, to have formed another, better adapted to its existing circumstances? Another right hon. gentleman (the member for Oxford) had begun his speech of that evening by complaining that a misrepresentation had gone abroad of what he had said on a former evening. If it was a misrepresentation, it must have arisen from misapprehension, for he (lord Folkestone) had certainly understood the right hon. gentleman in the same manner as those who had misrepresented him. The right hon. member had allowed to-night, that the new measures were an infraction of the rights of the people. He did not know whether the right hon. gentleman was still of opinion that they ought to be permanent; but if he allowed them to be an infraction of the liberties of the people, and at the same time contended for their permanency, the question was between an infraction of the people's rights and the support of the manufactures of the country. When gentlemen went home, and considered all the alarm which at present prevailed in the commercial and manufacturing districts; when they considered the measures which they were to pass, in order to diminish that alarm; he did hope that they would come into a resolution to probe to the bottom the source of all our evils. Whether they went into an inquiry into the business at Manchester, or not, he cared little; but there were some inquiries too important to be neglected, and into those inquiries he trusted that, before long, they would all agree to enter.

Mr. *Peel*, in explanation, declared that he had always considered the measures now proposed to parliament as a diminution of liberty; but there was only the alternative between those measures and anarchy and confusion.

Mr. *Bennet* could not help thinking that the right hon. gentleman had acted unfairly in charging him with introducing the motion before the House in the shape of a party question. He had set out with declaring it as his intention not to make it a party question, and he had cautiously

abstained from dwelling upon subjects that might occasion a difference, where unanimity was so essential. He had not wished to say any thing harsh of ministers, but in looking at the distress, it was impossible to separate it altogether from the discontent of the manufacturing parts of the country. It was in fact the very foundation of the discontent; if he had altogether refrained from touching upon that subject, he should have imitated the conduct of certain physicians, who, on being called in to consult on the case of a patient, talked of any thing but that case; but he was quite sure that in the course of his speech he did not use one inflammatory expression, or if he did, it was not his intention to apply it to his majesty's ministers. His object was, as he had already stated, conciliation; and the best means of attaining that object was a spirit of peace influencing their discussions. Although he had the infirmity of expressing strongly what he felt strongly, he had been perfectly calm and tranquil during the whole of the discussion; his purpose having been one which required that spirit. He thought that the House would do its duty by following that course which would elucidate the cause whence the evil sprung, and thereby restore the shaken confidence between the House and the public. He wished to see that House the living image of the people, but he was persuaded that when the intelligence of that night's debate went forth, and it should be known that the House of Commons had refused inquiry because in the progress of that inquiry it might happen that party politics would be introduced, it would produce great and almost incalculable mischief.

The question was then put and negatived without a division.

BREACH OF PRIVILEGE—COMPLAINT OF A PAMPHLET INTITULED "A TRIFLING MISTAKE, &c." Mr. *Courtenay* said, he wished to put a question to the hon member for Yorkshire. It was, whether he intended to take any parliamentary notice of the paragraphs in a pamphlet which he had read in the course of the debate, reflecting so strongly on the character of the House.

Mr. *S. Wortley* replied, that he had merely referred to them in the course of argument, and did not intend to found any proceeding upon them.

Mr. *Courtenay* said, that he felt it his duty, as a member of parliament, to take notice of the publication, as the hon. member for Yorkshire declined doing so. He should therefore move that it be declared a breach of privilege.

Mr. *Brougham* said, that upon a notice so suddenly given, he could not but implore his hon. and learned friend to check his present indignation, and to consult his pillow before he pressed his motion on the House. If it was persisted in, it would compel the House to go into a question of privilege, and then they must notice all the other publications which contained similar misrepresentations of their motives and conduct. The hon. member for Yorkshire had allowed that he had merely read the paragraphs in the way of argument. Were they never, then, to read publications like these to the House, without being under the necessity of dragging the authors to their bar? If they entered into every question of privilege, they would be brought into a distressing situation; they would either be induced to do too much, or would be compelled to do nothing at all. There certainly were occasions on which their privileges ought to be asserted; but the seldomer this was done, the better would it be for themselves and the country.

Mr. *Courtenay* said, that as the publication had been brought before parliament, he felt himself bound to call upon the House to assert its privileges by summoning the author of it to their bar. He therefore gave notice, that to-morrow evening he should move a resolution to that effect.

Mr. *Brougham* entreated his hon. and learned friend to reflect well before he determined on such a proceeding. The House had a number of privileges which had been violated at many recent meetings, and some of those violations were infinitely worse than those of which complaint was now made. If they went into this breach of privilege, they must also go into the others; and then he conceived that they must issue warrants, not only against those who moved the resolutions which contained such breach of privileges, but against every man at the meeting who consented to them; for they would not surely contend that those who adopted the resolutions were not as guilty as those who proposed them.

The notice of motion was then entered. After which the House adjourned.

## HOUSE OF LORDS.

*Thursday, December 9.*

Misdemeanors Bill.] The Earl of Shaftesbury reported the bill, intitled "An act to prevent delay in the administration of justice in cases of misdemeanor."

The *Lord Chancellor* proposed several verbal amendments, which were made on the report being brought up. One related to the granting of copies of indictments to defendants. In certain cases defendants were already allowed copies before appearance; he therefore proposed to insert the word, "after," in order that they might be granted after appearance.

Lord *Holland* did not rise to oppose any of the alterations suggested. He was glad to find that the noble and learned lord was so readily disposed to amend the bill. He now rose to move an amendment to the effect, that in cases of information ex-officio, filed by the attorney-general, if the defendants were not brought to trial within eighteen months, such information should cease to be of any effect, unless there should be an order issued by the court for further delay. He moved this as a clause in the present bill, because he thought it of importance that in a bill, the object of which was to hasten trials for misdemeanor, by taking away the privilege enjoyed by defendants of traversing a disposition should also be shown to prevent delays through the conduct of the prosecutor, particularly in the case of ex-officio informations, which might be kept interminably hanging over the heads of individuals to the destruction of their peace of mind, and perhaps of their property, without any means, at present existing, of compelling the attorney-general to proceed with them.

The *Lord Chancellor* admitted the importance of the considerations urged by the noble lord. It was, he believed, true, that there were no means of forcing the attorney-general on to trial. In other cases, the defendants might carry down the record by proviso, but where the attorney-general was prosecutor, the defendant could not carry down the record without a warrant from that officer. He admitted it was of importance to consider whether any means could be adopted of shielding a defendant, under such circumstances, from the effects of unnecessary delay; but he thought that to do it effectually, and with a due regard to all the considerations involved, required more machinery (if he might use the expression) than the clause of the noble lord afforded. In crown cases, where there was what was called a private prosecutor, the defendant, though entitled to carry down the record if the prosecutor did not proceed, yet he must tender himself for trial and abide by the consequences. The noble lord's clause contained nothing on this point, but merely went to enact that the information should cease to be of any effect. In one case in the court of King's Bench, where a motion was made to force the attorney-general on to trial, it was suggested by one of the judges, that the object might be attained by moving for a trial at bar, which, if the court granted, they would fix the day for the trial. He did not, however, mean to say that the subjects of this country ought to be in that state in which, in cases of prosecution by the attorney-general, they, could only force that officer on to trial by moving for a trial at bar. If the noble lord would withdraw his motion, he would endeavour by the third reading to frame some clause that might meet the object in view, or else he would state what he conscientiously felt upon the subject. It was frequently not the fault of attorneys-general that the parties they prosecuted were not brought to trial.

Lord *Holland* was glad to hear what had fallen from the noble and learned lord. The subject, however, was not new to the House. Five or six years ago he had called the attention of their lordships to it; and two years ago, it had again been brought under the consideration of parliament. His mind was made up on the subject; but if the noble and learned lord would himself introduce a bill to remedy the evil, in case it should not be convenient for him to consider the matter fully before the third reading, he would not press the clause. As the noble and learned lord was of opinion, that to make some alteration in the present practice was a subject worthy the attention of the legislature, he hoped that either by a clause on the third reading, or by the introduction of a new bill, the necessary amendment would be made. Perhaps, by the time the bill was read a third time, the noble and learned lord would be able to come prepared for the consideration of the subject.

The *Lord Chancellor* observed, that the measures which the noble lord had alluded

to as having been already before the House, differed from the present proposition. He understood that it was intended to move the third reading of the bill tomorrow. Whether a matter of such importance as that suggested by the noble lord could or could not be by that time arranged in his mind, in a state fit to be introduced as a clause, he could not tell; but if no provision should be made on the subject in the present bill, he should certainly think it his duty to give all the assistance in his power to any measure which might be brought forward on this subject if he thought it proper, or conscientiously to oppose it if he thought it wrong; for until he fully considered the proposition which might be made, he would not pledge himself.

The Marquis of *Lansdowne* expressed a hope that the noble lords opposite would agree to postpone the third reading of the bill till Monday. Their lordships would not, he trusted, allow the inconvenience arising from a short delay to stand in the way of justice. It was of great importance, when, upon grounds some of which he would admit were strong, it was proposed to deprive the subject of valuable privileges, that their lordships should endeavour to redress any grievance which might be discovered in the administration of the law. The noble and learned lord had on this, as on other occasions, evinced his readiness to consider any proposition of that description. It had, with respect to this bill, erroneously gone forth, that the noble and learned lord had laid down the law in the case of the Seven Bishops as the foundation of the measure; whereas he had done no such thing, but in adverting to that case, had observed, that the defendants had a right to imparle, and were hardly dealt with when that right was refused. If it appeared that the subject suffered injury by the delay of prosecutions at the suit of the Crown, that injury could only be removed by obliging the attorney-general to bring on the trial within a limited period. It was but justice to furnish the subject with some facilities in return for the privileges which were taken away; and a provision, which would prevent prosecutions from hanging interminably over the head of defendants, was one to which their lordships' attention should be seriously applied. If, by delaying the third reading of this bill for two or three days, the noble and learned lord should have time to make up his mind on the subject, a considerable advantage would be gained; for the provision would form a very appropriate clause in the present bill, and would be better so introduced than if made the subject of a separate measure.

The Earl of *Liverpool* said, that if his noble and learned friend could be prepared to propose a clause by Monday or Tuesday, he would have no difficulty in postponing the third reading.

The *Lord Chancellor* expressed his willingness to give the subject every consideration in his power, but still thought it would be better to make it the subject of a separate bill.

The report was then agreed to, and the bill was ordered to be read a third time on Monday.

Blasphemous Libel Bill.] Their lordships proceeded to the consideration of the report of the committee on this bill.

Lord *Holland* objected to the bill generally, but thought it right to propose some amendments, with the view of confining its operation to that offence, the prevention of which those who supported the measure professed to have in view. The alterations which he had in view, would apply chiefly to the fixing what was to be understood by seditious libel. As to blasphemous libel, its nature was well understood; and with regard to it, nothing, he thought, had occurred to justify any alteration in the law. The number of publications of that description had been greatly exaggerated; but if they had been as numerous as they were described to be, exceeding every thing known in former times, their lordships ought to recollect, that, in like manner, there had been an increase of publications of every description. It was not, then, the number of blasphemous libels which their lordships ought to to take into consideration, but their proportion to other publications. At the same time, whatever the number was, it had not been shown to their lordships, that the existing law had been enforced against them. As the definition of blasphemy was well known, he should not offer any amendment in reference to it. With regard to sedition, it had been declared by the supporters of the bill, that it was their wish to confine it merely to seditious libels. Now, what a seditious libel was, had never been settled. He conceived that those who said they wished to confine the ope-

ration of the bill to seditious libels, meant thereby libels exciting to a change in the government of the state. They could therefore have no objection to what he meant to propose. Their lordships must be aware, that very different ideas prevailed in the minds of individuals as to what constituted a seditious libel, and therefore they must see the necessity of removing the uncertainty which existed on the subject. This was the more necessary, when they considered that by a merely accidental connexion with some publications, persons having an interest in them were liable to be punished for the acts of others. It was, indeed, in many cases held, that the master was responsible for the acts of the servant; but whatever objection there might be to this as a general principle, it was not now his intention to bring the law on that subject under consideration. He presumed that it was the wish of those who supported the bill to reach the real offenders, and that they did not intend the punishments it inflicted to apply to any persons except those who wrote libels which had for their object the subversion of the state. The first amendment he should propose would be in the preamble, by introducing into it the words "knowingly, wilfully, and maliciously publishing." In the first clause, which refers to cases in which any verdict or judgment by default shall be had against any person for composing, printing, or publishing any blasphemous or seditious libel, and provides for the seizure of the copies, he proposed to introduce the words "knowingly, and maliciously composing, &c., with intent to excite his majesty's subjects to subvert by violence the government as by law established." If any other words could be proposed which would better define the nature of a seditious libel, he would gladly agree to substitute them for those he suggested. But their lordships would consider how necessary it was to have some precise idea on this subject; for, in the vague state of the law there was scarcely any political libel which might not be called seditious. There was another part of the bill to which he wished to apply an amendment. When he observed the introduction of a new punishment for libel, and one which was unknown for that offence in any other part of Europe, he must say, that such a circumstance was calculated to excite no small degree of suspicion. In the conversation which had recently passed, the necessity of considering what effect any alteration of the law in certain cases might have, had been strongly urged. Had their lordships ascertained what effect this punishment of banishment would have upon the property or even the life of defendants? Were their lordships prepared to place subjects of this country under the arbitrary authority of foreign powers, for such offences as that contemplated by the present bill? It was proper they should look well at the policy of a measure which proposed to punish so unequally the same offence; for the severity or leniency of the punishment would depend greatly upon the disposition of the sovereigns to whose dominions the individuals might be banished. In going to Holland, France, or Italy, the fate of the exile might be better than in some other countries; but if the libel should be of a nature to give offence to foreign powers, the author might be denied an asylum. This ought to be a matter of consideration, more especially in the present state of the continent. The person banished might be consigned to the mercy of those who would be disposed to aggravate his sufferings; and when discussions on government and the state of the liberty of the press in other countries were going on, was there not reason to suspect that this measure might have such an effect? He had somewhere read in an old book, though his present recollection did not enable him to refer to it, that much praise was due to the law of England for not having introduced into it the punishment of banishment. The reason assigned, if he recollected right, was, that the English government and laws were peculiarly jealous of foreign influence, and that therefore the punishment of banishment was avoided. In this view he agreed. If men of active spirits were engaged, as was asserted, in designs hostile to the public peace, was it wise or prudent to teach such persons to look to foreign powers for a mitigation of their lot? In this way effects might arise from the introduction of this new punishment, which it would be well for their lordships to consider. If they referred to history, they would find that no free state (he did not allude to the states of antiquity) had adopted the punishment of banishment for political offences. It formed part of the law of Scotland, but only for felonies of the lowest description. This general disinclination to the punishment of banishment was to be attributed to the wish which

every country had to prevent foreigners from interfering in their domestic concerns. How far the spirit of vengeance might lead to interference with the concerns of this country, if such a punishment became common, was well worthy of their lordships consideration. But it seemed hard that the *onus probandi* should always be thrown on those on his side of the House who objected to measures, and not on the ministers who proposed them. How different was the case when any measure was brought forward from the side of the House on which he stood! If an humble individual like himself proposed any thing favourable to the rights of the people, was he not invariably called upon to show the grounds, and the consequences of adopting the measure? Were he or his friends in such cases ever permitted to throw the *onus probandi* on the noble lords on the other side? A bill had been brought in last session relative to this very punishment of banishment in the law of Scotland. Gentlemen of the law, it appeared, were often condemned to be sent from that country to this. Some Scotch lawyer, however, thought the punishment of banishment not sufficient, and a bill was introduced into the other House to authorize the sending of the banished Scots who might be found in England, out of his majesty's dominions. His noble friend near him (lord Lauderdale), when the bill came before their lordships, moved that it be rejected. That motion was agreeed to, and he had a right to infer that it was adopted upon the principle, that the law of banishment being unknown to England, it was not proper to interfere with its execution in regard to Scotland.—He had stated considerations which ought to induce their lordships to hesitate respecting this part of the bill; and until the questions arising out of these considerations were answered, he could not agree to the clause inflicting banishment. Their lordships surely would not consent to render that punishment a permanent part of the code of this country, until they clearly saw what were likely to be the effects of such a change in the law. He would, therefore, move, to strike out the word banishment from the first clause in which it occurred, and if that motion were agreed to, he would make similar alterations in other parts of the bill. Supposing his first amendment agreed to, he would next propose an alteration in the clause respecting the certificate to be given of conviction of a former libel. The clause enacts, that the clerk having the custody of the records of the court where a person has been convicted, shall, on the request of the prosecutor for the king of a new libel, make out a certificate, containing the effect and substance only of the former indictment and conviction, and that this certificate shall be proof of the conviction. He would wish to omit the whole of this clause, and leave the proof to the usual course of law. If any convenience was to be gained by the government by this brief description of proof, then grant the same advantage to others. Either hold by the ancient principles of the law, or if innovation be determined on, let the change be fair and equal to all. The next clause to which he objected was that which limited the period of bringing actions against magistrates or others for what might be done by them under this bill, to three months. There was already an act on the subject of bringing actions against magistrates—he believed the 24th of George 2nd—and he saw no reason for deviating from that general law. He should therefore move to reject that law. These were the amendments he should submit to the consideration of their lordships. He concluded with moving the first amendment.

The Earl of *Harrowby* rose to express his objection to the amendments of the noble baron. The first amendment attempted to define a seditious libel. The noble baron, however, had at the same time complained, that it could not be accurately defined, and that it was unjust to affix a severe penalty to an undefinable offence. He had maintained, that the offence might be so slight as to require only a slight punishment, and that an heinous punishment ought only to be awarded to a heinous crime. Now, this was precisely the course taken by the law as it now stood: the bill supposed different degrees of guilt, and left it to the discretion of the court to apportion the punishment accordingly, either fine separately, or imprisonment separately, or the two together; or, in case of second conviction, fine and imprisonment, or banishment, or transportation. If, therefore, the words of the clause should stand exactly as they did at present, no injurious consequences, would follow. It was obvious, too, that in cases which the law called seditious, where there was any room for a reasonable doubt, juries

were extremely cautious in finding a verdict of guilty; and this caution would of course be increased, when a second conviction was sought; so that the probability was very small, that a man would be convicted on any vague and indefinite grounds. Yet, if it was the opinion of the House that it would be better to make some attempt at a definition of a seditious libel, he would not object, notwithstanding the extreme difficulty of making such definition. Their lordships were not left entirely without a precedent for such an attempt; for in 1796, in a statute passed for the purpose of preserving his majesty's person and government, a description was given of a seditious libeller in the following words:—"Any person who shall maliciously and advisedly, by writing, &c. express or publish words or sentences to excite or stir up the people to hatred or contempt of the person of his majesty, or of the government and constitution of this realm, as by law established." Some such words might, if their lordships pleased, be introduced into the bill, and would probably answer the object of the noble baron. As to the other amendment, which went to omit the penalty of banishment on the ground that it was unknown to the law of England, he could show from the same act, that "a person on a second conviction may be adjudged, at the discretion of the court, either to suffer such punishment as is inflicted in cases of high misdemeanor, or be banished the realm, or transported." It was true, that the act in question was not a permanent one: that, however, had nothing to do with the objection, which was, that the punishment was unknown: whereas, this statute showed that it had been the law of the land, and had so continued for three years. But, even if it had not been so, it was still competent for parliament to affix to any offence any punishment which it might think most fitting under the particular case. No man could deny, that if such an atrocious libel as he had described should be published, it ought to be visited with severe punishment; but as the law now stood, the offence might be repeated, so that the life of man could not be sufficient for the punishment which the multiplied guilt might require. And could their lordships figure to themselves any set of men whom it was more fitting to get rid of than those who earned a livelihood by the daily issue of blasphemous and seditious writings? The inequality of which the noble baron complained applied to all descriptions of punishment. Parliament could only look to the nature of the offence, and not to the particular persons committing it. It was true, that to individuals in a certain class of life, transportation might be no terror at all, while to another it might be a source of very great terror indeed. The same inequality belonged to the punishment of imprisonment; so that there was no reason that banishment should be condemned on that ground. It was most necessary that a description of persons such as he had described should not be suffered to prey on the public weal; and it was right that they should be treated like bad humours, which ought always to be removed before they grew sufficiently strong to destroy the constitution.

Lord *Ellenborough* could not conceive how a man could write a blasphemous or seditious libel ignorantly, or publish one accidentally: but he rose chiefly to state what had occurred to him as a definition of a seditious libel. It was, he would suggest, one calculated to bring his majesty's person, or the government and constitution, or either House of Parliament, into hatred or contempt, or calculated to excite his majesty's subjects to attempt any alteration of any matter in church or state as by law established, otherwise than by lawful means.

The Earl of *Liverpool* observed across the table, that he had no objection to this amendment, with the addition of the words—"or the person of the Prince Regent."

Lord *Erskine*, though he felt the utmost abhorrence at the disgusting blasphemies circulated among the lower classes, did not think any additional punishment necessary for their suppression. It was true, that transportation, properly applied, was a useful punishment: impurities, which if suffered to remain, might lead to contagion and death, should be put forth; so should persons dangerously injurious to the country; but was it right to send them forth to a new colony, to poison the hearts and understandings of an infant state? Besides, as far as the offenders themselves were concerned, a greater punishment might be inflicted under the existing law; he might be imprisoned for each fresh offence, and cut off from the

comforts of social intercourse, rejected and despised; whereas, if sent abroad, he might find congenial minds to console him, and might do infinite mischief among those growing colonists who were perhaps destined to be a blessing to the mother country.—The noble lord next proceeded to another branch of the subject, relative to the punishment of the publisher under circumstances of ignorance or absence: he stated a case which had occurred in the early part of his own practice, where a printer of a newspaper had been convicted of a libel on an ambassador, and was condemned to the pillory, though he had been in the country and in a state of delirium at the time the libel was published by his agent in London. The punishment, however, was remitted on the production of a proper affidavit. Certainly, if a man maliciously and knowingly published a libel, he was as fit a subject for punishment as the author; but he ought always to be allowed to show circumstances of absence or ignorance to deliver him from the penalties proper only to wilful guilt. He objected particularly to that part of the definition of libel as proposed, which included the mention of either House of Parliament. If any man, feeling a fair objection to any law passed by either House, should proceed, in the heat of argument, to express his disapprobation in strong and nervous language, the law might call him a libeller, and this bill might send him to Botany Bay. To the first part of the definition he must therefore object: to the latter part, which described a libel as a writing calculated to excite the people to alter the constitution in church and state except by lawful means, he had no objection; but if the last clause was adopted, the first was unnecessary. He thought, therefore, that the first part should be struck out; for he had felt convinced through life, and he did not recollect any instance where he had ever expressed a contrary opinion, that the people had a right to discuss in the fullest manner every matter in church and state, provided they wrote nothing tending to revolt or rebellion. But if the present definition stood entire, it would be extremely difficult for any man especially of an ardent mind, to write so as not to incur great risk; and the chance of acquittal by one jury was not so great as not to be counterbalanced by the chance of a conviction by another. With regard to banishment, which was mentioned in this bill, he believed that such a punishment had never been inflicted. Had any man been banished under the act of James 2nd? He believed not. By the present bill, a man for having committed a second offence in publishing a seditious libel, might be driven from his own country, and pursued from state to state with unrelenting vengeance. Banishment was only a mode of punishment by the Scotch laws. His lordship stated, that he himself had been banished into England, exactly 51 years and a few days [A laugh]. Before their lordships proceeded to this new enactment, he would entreat them to consider two points: 1st, Whether the existing laws had been duly enforced and found inefficient. Now there had been only two prosecutions as an experiment of their strength. Why not try more before new laws were demanded? 2ndly, They ought to consider that the penalties in the present bill were so excessive, that it could not be acted upon, nor convictions obtained under it.

Earl *Bathurst* contended, that the existing law had been found inefficient, as there were instances of repetitions of the same offence after repeated convictions, which could not have happened had the punishment been severe enough to excite sufficient alarm in the mind of the offenders. The noble and learned lord's observations might be arranged under two heads, namely—those that related to blasphemous publications, and those that had a reference to seditious libels. The noble and learned lord objected to the punishment of transportation as applied to the authors or publishers of the former, not on account of its severity, but because the persons so convicted, if sent to the colony of New South Wales, might there commence their blasphemous trade, and corrupt the community into which they were sent. The noble and learned lord added, that robbers and thieves had not the same facilities of repeating the crimes for which they were transported. Now, in his opinion, there was little cause for this apprehension, as publications either of a blasphemous or seditious description were the least likely of all offences that could be committed at Botany Bay. The noble and learned lord had said, that imprisonment for life, which might be awarded by the existing laws, was a more severe punishment than transportation for seven years, and, therefore, that there was no

necessity for any change. This might be a very good objection to the bill, provided it fixed upon that punishment alone for every offence. But what did it do? —It left the penalty of fine and imprisonment as before, and superadded that of transportation, at the discretion of the court. But when the noble lord said, that imprisonment by the present law was a more severe penalty than transportation, he destroyed his own argument against the bill; for, in another part of his speech, he had argued, that transportation was so severe a punishment that it would banish every respectable man from the press, and put an end to all free discussion. The second set of libels to which the new punishment of transportation was to apply were seditious libels; and here a noble lord had said, that if a man from ardour of mind were to write a first libel, believing he was doing his country a service, he might be urged by the same ardour to repeat his offence, and thus expose himself to transportation. Now, the libeller here described must be the most unlucky of mankind to write so ardently in the face of what a jury would pronounce a transportable offence. Considering the mischief resulting from publishing either sedition or blasphemous works, he could see no undue severity in punishing a second offence with transportation.

Lord *Holland* proposed an amendment inserting the words "knowingly and maliciously," before the words, "composing, printing, or publishing any blasphemous or seditious libel;" which was negatived without a division. He then, adverting to the definition of a seditious libel proposed to be inserted in the bill as an amendment of lord Ellenborough immediately after the first time it is mentioned in the first enacting clause, said, he had no objection to the definition, provided the word "and" was used instead of "or," before the words "excite to any alteration," &c. The first part of the definition was of a very different character from the latter. To publish "any thing tending to bring into contempt either House of Parliament, was very different from that of exciting to unlawful resistance or violence. If he said, that a sedition prevailed in France, or any other country, it would be immediately understood that he referred to some acts of violence, and not to any attempt to bring the government into hatred and contempt. The same distinction was to be drawn between a direct incitement to rebellion, and a discussion which might tend to bring into hatred and contempt either House of Parliament." He could not be supposed by any who knew him to be partial to annual parliaments, and no one would suspect him of yielding too easily the recognized privileges of property to new claims; and yet he would allow, that persons who advocated annual elections and universal suffrage, and who, by showing the superiority of a House of Commons elected every year, and by the votes of every individual in the nation, over that House as now constituted, used expressions which tended to bring into hatred and contempt the other House of Parliament, might not be guilty of a seditious libel deserving of transportation. A noble relative of his (the duke of Richmond), a man who loved his country, and deserved as well of it as any man, had not only entertained the doctrines of a reform founded on annual elections and universal suffrage, but had brought a bill into parliament to carry it into effect, and had written pamphlets in its support. Yet, to urge the necessity of universal suffrage and annual parliaments was to bring into hatred and contempt the House of Commons, which was constituted on different principles. The publication of any thing tending to bring into hatred and contempt either House of Parliament, if this reasoning was just, could not be a direct incitement to violence, and therefore did not deserve to be included in the definition of libel along with the latter part of the noble lord's amendment. He could assure the noble lord that he thought the first words of his definition extended rather than narrowed the original meaning of the phrase—a seditious libel. Any one, by saying that a House of Commons ought to be dissolved for doing such and such things, would use language calculated to bring it into hatred and contempt; while, at the same time, nothing violent or unlawful was recommended. If a pleader of equal eloquence with that of the extraordinary man who sat beside him (lord Erskine) should again rise to grace the English bar, who could say, that he would not convince twelve honest men that this was a libel against the House of Commons? An excitement to change any thing in church or state, as by law established, by unlawful means, or a pub-

lication tending to lead to violence or unlawful resistance, was a description of offence that might come within the meaning of a seditious libel. The noble lord who had spoken last had sneered at the idea of a man being impelled to a seditious libel, by an ardent mind; but his sneer would have applied to Burke, to Pope, to Addison, and to other great men. He could read passages from Burke's works, which, according to the present definition of a libel, would come within it. With the latter part of the noble lord's definition he perfectly concurred.

The Earl of *Liverpool* said, he had no objection to the definition, if the words "seditious libel" were so vague and general as to require any definition. It could never be said, that any thing written against the ministers individually, or against the administration, could be construed into a seditious libel. He was anxious that the public mind should be instructed on this subject. A libel on himself, or on any of his noble friends around him in the administration, was merely a personal libel, and had no reference to sedition. The noble lord had proposed a definition to limit the meaning of the term, of which he approved. There could be no doubt, that if a book was published containing any thing tending to bring into hatred or contempt either House of Parliament, it would be a seditious libel. The only question, therefore, was, not whether the definition included too much, but whether it included all. He was at first willing that the expression "seditious libel" should stand without any definition, because this bill enacted no new law of libel, but merely an additional punishment for suppressing it. The question before them was, whether, if any person was guilty of a seditious libel, the court was to be limited to the old penalties of fine and imprisonment, but should be enabled to superadd that of banishment or transportation. The use of the amendment was to remove that part of the objection against the bill which rested upon the indefinite nature of the offence which it punished.

The Earl of *Lauderdale* objected to the definition. Many things might be mentioned tending to bring into hatred and contempt either House of Parliament without being a seditious libel. It might be said, for instance, that the House of Commons was obliged to proceed through its business without deliberation, when for one day there stood 54 orders, and when it heaped the floor of the House of Lords with ill-digested bills. The definition appeared to him rather to extend and render more vague than to limit the meaning of the expression.

Lord *Holland* said, that when he supported the amendment of the noble lord, he did it on the idea that this severity of punishment was only to be applied to an aggravated offence. He had no idea that the present bill swept into itself all the opinions of lawyers, all the contradictory decisions of juries, and in fact, all the inconsistencies of libel-law; but he thought it was to be applied only to publications inciting the people to violence or resistance; and with that view he supported the latter part of the amendment. If every offence of libel, whether malignant or not, was to be included, he had been arguing in vain, and the time spent in debate had been lost.

Lord *Ellenborough* said, that his amendment was intended to include libels of superior malignity; but he saw he could not give a definition which should include any direct incitement to violence, without omitting what might be equally dangerous; for a libeller might exhort to peace and obedience in various parts of his book, while the tendency was, to bring into hatred and contempt the government and constitution of the country.

The *Lord Chancellor* said, that general words must be used; otherwise every thing could not be included which ought to be included. If they specified what was to be a seditious libel and left out the first part of the definition, it might then be said, that every thing that was before a libel was now a libel, save and except what tended to bring into hatred and contempt either House of Parliament. Adverting to what lord Holland had said about the duke of Richmond, he said, he would tell what was the opinion of an eminent judge concerning him during the state trials in 1794. He remembered when his noble and learned friend (lord Erskine) had done himself so much credit on that occasion, and had become so great a favourite, that the horses were taken from his noble and learned friend's carriage, and he was drawn home in triumph—without, however, he believed, ever seeing his horses again [A laugh]. On that occasion, when the work of the duke of Richmond was offered in evidence,

as a justification of the projects of the prisoners, the chief-justice said, "Can I receive as a justification what appears little less than high-treason?" If that work (continued lord Eldon) was not a libel, he knew not what a libel was. He had forgotten who was the attorney-general of that day, but if he had been then in that situation, he would have brought the highest peer in the realm before a court of justice for it.

Lord *Holland* said, it appeared, then, that this severe and disgraceful punishment was intended for, or would affect, such men as the duke of Richmond and Mr. Burke, the latter of whom had certainly uttered what would be called in the present day, a seditious libel, when he said, in introducing his plan of economical reform that "kings are naturally fond of low company." He would ask whether these words had not a direct tendency to bring into hatred and contempt the person of his majesty. But these were not the only expressions in his works which might be construed into seditious libel. He could find them in almost every page.

The Earl of *Liverpool* said, he would have been at first satisfied with the words "seditious libel," as they originally stood in the bill, but as it might go abroad and influence the mind of juries to believe that certain things which were seditious libels were not so, if this amendment were rejected, he would persist in supporting that amendment.

A conversation then ensued, in which lords Darnley, Harrowby, Holland, and Ellenborough, took a part, when the definition in the shape of the amendment proposed by the latter was carried without a division.

Lord *Holland*, after some verbal amendments, objected to the penalty of banishment, as inconsistent with the laws of England. The earl of Carnarvon moved, as an amendment, to limit the period of banishment to any time not exceeding seven years at the discretion of the judge. This amendment was negatived.

The report was received, and the bill ordered to be read a third time tomorrow.

PROTESTS AGAINST THE BLASPHEMOUS LIBEL BILL.] The following Protests were entered on the Journals:—It was moved to insert, "with intent to excite his majesty's subjects to subvert by violence the government by law established." It was resolved in the negative.

"Dissentient,

"1st. Because the crime of publishing unlawful libels has, according to the practice of English law, embraced various offences, differing in their nature, as well as their degrees of criminality, from the wilful and predetermined guilt of the actual writer and publisher, to the negligence, and sometimes even to the inevitable ignorance of the party who has been deemed guilty by construction, in respect of his pecuniary interest in the publication, or his mere civil relation to the actual publisher; and it therefore seems just and necessary, that where a discretionary punishment of increased severity is to be enacted, it should be confined to that species of libel, which, both in its natural tendency, and in the motive of the publisher, exhibits the highest degree of malignity.

"2dly. Because the most effectual, if not the only mode of accomplishing this object, is to introduce into the statute, and consequently into the indictment or informations proceeding upon it, a precise definition of the crime which it is intended to prevent by the extension and alteration of the punishment.—By such means alone can juries, in the first instance, be apprised of the particular character of the offence imputed to the defendant, or can the judge have a certain rule to distinguish the cases in which his discretionary power is to be exercised.

3dly. Because without such exact definition as has been rejected, it is possible that judges as well as juries, may, upon different occasions differ very widely as to the meaning of the word *seditious*, and thereby introduce into the administration of a penal law an uncertainty which is at all times an evil, but which is particularly mischievous when the law is very severe.

(Signed)

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| VASSALL HOLLAND | COWPER |
| ERSKINE | ROSSLYN |
| LANSDOWNE | MINTO |
| CARNARVON | GROSVENOR |
| KING | LAUDERDALE |
| BEDFORD | THANET |
| JERSEY | AUCKLAND." |

It was moved to leave out the word "banished." It was resolved in the negative.

"Dissentient,

"1st. Because the introduction of ba-

nishment in the present bill seems to us a wanton and dangerous experiment. That punishment has been hitherto unknown to the law of England, and on the present occasion there has been no proof shown of its necessity, nor due examination had of its consequences. So material an innovation on a system of usages, statutes, and maxims, established without reference to any such punishment, may, by analogies and inferences of law, affect the rights of the exiles and their descendants in a manner not foreseen by the authors of the bill, nor in the contemplation of the legislature that enacts it.

"2dly. Because banishment, from its very nature a punishment of unequal severity in different cases, may be rendered doubly so by the favour or enmity of the sovereigns, to whose dominions the exiles would most naturally resort. We doubt the justice of subjecting an Englishman, even when convicted of a political offence against the rulers of his own country, to the capricious will or arbitrary laws of a foreign government; and we question the policy of teaching men of active spirits and turbulent designs, to look to foreign favour for the mitigation of their lot, on the miscarriage of their enterprises at home. Observation of what is going on around us—reflection on what has taken place in past times—strengthen these considerations. The present situation of Europe affords us no assurance that the power of one sovereign may not be rendered subservient to the vengeance of another; and the history of free states, modern as well as ancient, admonishes us that nothing has a more direct tendency to introduce foreign influence and foreign interference in the internal affairs of a country than the banishment of state delinquents.

(Signed)

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|---|---|
| VASSALL HOLLAND | ROSSLYN |
| ERSKINE | COWPER |
| KING | LAUDERDALE |
| BEDFORD | THANET |
| JERSEY | GROSVENOR." |

STATE OF THE DISTURBED DISTRICTS.] The Earl of *Strathmore*, in the absence of a noble earl (Grey), had to state, that a letter had been received from the north of England, from the hon. and rev. brother of that noble earl, in answer to some statements which he had himself felt it his duty to make upon a former occasion. The letter stated, that the hon. and rev. gentleman was now in his own house in the proper discharge of his duty, and that he had written to prevent any misconstruction or misconception; he was at his post, and had no intention of removing from it. The noble earl said, he had certainly stated that there had been a considerable alarm in the county of Durham, and had mentioned that two magistrates of that county had removed to the town of Newcastle; and he believed he had made use of the term "refugees." This was correspondent to the statement he had received, that they had gone to Newcastle for the sake of taking refuge. The noble earl read a letter from one of the magistrates alluded to, which stated, that understanding what was the impression upon the public mind, he trusted justice would be done him by stating, that he was at home in the discharge of his proper duty, and that he had no thoughts of leaving home. The circumstance of his being at Newcastle for a single day had perhaps given rise to the report that, on the apprehension of danger, he had thought it right to provide for the safety of his family; but he was not easily driven from his home, nor would easily forsake his public duty. The noble lord then read another letter from the hon. and rev. Mr. Grey, which stated briefly to a friend what he had detailed to his noble brother. It was dated Saville-row, Newcastle, December 7, 1819, and desired the person to whom it was written to inform him (lord Strathmore) that he had returned that day to Wickham, with Mrs. Grey and his children, under no apprehension whatever of the safety of himself or his flock, and that it was nothing but his having engaged lodgings, that had induced him to keep his family at Newcastle. The noble earl then observed, that he would make no comments, but would congratulate the parish upon the return of their worthy pastor, who, he hoped, would acquire fresh confidence, and find the alarm unfounded. He would address to their lordships a few words with regard to the statement he had made concerning the population of this district, which was supposed to be disaffected. He understood that a letter had been written to the mayor of Newcastle by an hon. baronet, inquiring whether the statement which he had made to their lordships was correct. The mayor of Newcastle had returned for answer, that his statement was not exaggerated. He was

happy to say, that the disaffection was confined to the persons engaged in the iron-manufactories and the collieries, which, however, composed the great mass of the population. He certainly had said nothing against the agricultural part of the community, for he believed the greater part of the agricultural classes were perfectly well-affected. From all the information he had been enabled to procure, he could take upon himself to say, that the statement he had formerly made, was rather underrated than exaggerated.

## HOUSE OF LORDS.

*Friday, December* 10.

Blasphemous Libel Bill.] Lord Sidmouth moved the third reading of this bill. The bill was accordingly read a third time, and the question being put, "That this bill do pass,"

The Earl of *Carnarvon* rose to move the amendment, of which he had given notice. The principle of the bill had been already so fully discussed, that nothing which might be said by him on that subject was likely to alter their lordships' determination. He must, however, observe, that this bill was now arrived at its last stage, without its being known whether the ground on which it was recommended to their lordships adoption was well founded or not. It had not been ascertained in what degree the laws were deficient in the power to punish blasphemous and seditious libels, or whether they were deficient at all. On that point, the most important for their lordships consideration, they had heard nothing which bore out the assertions of the supporters of the bill. Blasphemous and seditious libels had been allowed to circulate to a great extent within these two or three years; but it was with astonishment he heard the necessity of passing new laws asserted, on the ground of the insufficiency of those which now existed to check such publications. In order to see what foundation there was for this assertion, their lordships had only to look at the return on the table of the number of prosecutions. By that paper it appeared, that the whole of the prosecutions by information, of blasphemous and seditious libels, during the year 1818, amounted to *nil!* In turning to see what had been the number by indictment, he thought that a proper regard to the constitution had induced the law officers of the Crown to adopt a mode of action which was justly more popular than information; but when he had turned to that head, there he found *nil* also! That the government and the officers of the Crown should not think it necessary to institute prosecutions, when the evil of which they complained was at its height, and should now come to parliament for a new law, without having tried the old, was most extraordinary. Having made this observation, which the paper on the table naturally suggested, he had now to state the principle which induced him to propose an amendment to the bill. That principle was, that in time of alarm, great caution ought to be exercised, before any permanent change in the law was adopted. At the beginning of the session those who opposed the measures introduced were willing to give ministers temporary powers to enable them to repress any disaffection which might be found really to exist; but they protested against making local dangers a ground for passing permanently restrictive laws. The same consideration had induced him to make one attempt before the bill was finally adopted, to prevail on their lordships to do that which ought always to be done in such cases; namely, to give only a temporary power to ministers, and to reserve for future consideration the question, whether the law was fit to be rendered permanent. Last night the noble and learned lord on the woolsack, whose mind possessed the richest stores of legal knowledge, had hesitated to apply to a bill, a clause the principle of which he admitted, until he had time for further inquiry, and was not satisfied that the postponement of the bill till Tuesday would afford sufficient opportunities for his research. If that noble and learned person could not by Tuesday make up his mind on a subject with which he was so well acquainted, how could the few days in which their lordships had been occupied in the consideration of this bill be sufficient to satisfy them that it ought to be made permanent? He believed that to make a wise law on the subject of libel, one that should equally protect the liberty of the subject and the security of the government, was one of the most difficult tasks a legislative assembly could undertake; and yet, upon a proposition made last night, their lordships were called upon to make such a law permanent. He could not but regret that no satisfactory reason had been given for altering the law.

He must therefore resist so great and permanent a change in the constitution. Before the last clause authorizing the alteration of the act in the present session, he would propose to introduce a clause declaring that it should continue in force two years and no longer.

Lord *Sidmouth* could not admit that this bill was a violation of the constitution for a temporary purpose. The noble earl had stated, that he and his friends had been ready to co-operate in temporary measures of restriction. He certainly did not understand that to be the case; but if it had, such co-operation could not have been accepted by his majesty's ministers with respect to the present bill. Was the danger to be guarded against one of a local description, or one the legislation against which ought to be temporary? That danger was the circulation of blasphemous and seditious libels; and it was their lordships duty to mark their opinion of the importance of putting down such crimes by passing permanent laws for that purpose. In estimating the nature of this bill, their lordships should consider what the law on the subject of libel had been previously to the act which an hon. and learned gentleman introduced in another place. The punishment for libel was then fine, imprisonment, or the pillory, or all three. It was not, however, proposed by the present bill to make the punishment in the first instance so severe. Only fine and imprisonment attached to a first libel; on a second conviction, banishment and transportation were added. He would ask their lordships, whether, considering the great increase of the crime of libel, these could be regarded as too heavy punishments? Whether the framers of the bill had shown a disposition to push the law to a severity beyond what the exigency of the case required? But the noble earl had referred to the papers on the table; and it was unquestionably true, that no prosecutions had been instituted during the year 1818 for blasphemous and seditious libels. But their lordships could not doubt that the attorney and solicitor-general had reasons to assign for this forbearance. Whether their reasons would appear satisfactory to the noble lords opposite, he could not pretend to say. He could, however, assure their lordships, that the subject had been fully considered by two of the most able men in the profession of the law; and the course which had been adopted was by them considered the most advisable. When he mentioned to their lordships the name of sir Samuel Shepherd, they would be sensible that he could refer to no public character more distinguished for transcendant talents and private worth. After what took place in the court of King's-bench in the course of the year 1817, particularly after the remarkable acquittal on a prosecution for blasphemous libel, a very strong impression was produced, that the existing law could not be successfully enforced. But with regard to the year 1818, the fact was, that public libels had during that year become less numerous, and a hope was entertained, which unfortunately proved fallacious, that the temptation to publish had decreased with the disposition to purchase such poison. When it was found that the expectation formed in 1818 had been disappointed, and that libels again increased, it was thought necessary to look to a sufficient remedy. All the arguments, and all the conduct of the noble lords on the other side, formed the very counterpart of what he recollected to have passed in 1792. When his majesty's proclamation was issued against libels, then loud charges were made against the government for not prosecuting. The instruction given to the magistrates to perform their duty was described to be the holding out encouragement for spies. When an association was formed, in which were to be found the names of the late Mr. Windham, Mr. Perceval, and other distinguished persons, and subscriptions entered into for the prosecution of libels, these proceedings were called oppressive and unconstitutional, and were held up to opprobrium as an attack on the liberty of the press. On the 18th of September in the subsequent year, Paine was convicted of publishing his seditious libel; but still the same conduct was pursued by those who opposed his majesty's government. Now, what had happened within the last two or three years showed that the same course was still followed. Seeing the difficulty which had arisen in prosecuting, and the art with which some libels were framed, he had addressed a letter to the magistrates, recommending a course which appeared best adapted to the case. Before he had done this, he had taken the opinion of the highest legal authorities, and the answer he received from them was, that the magistrates had the right of holding to bail

for libel. The measure he had described was however no sooner adopted, than it was stigmatized as a violation on his part of official duty, and an undue interference with the law of the land. It was not, therefore, from quarters in which this conduct had been pursued, that complaints of the neglect of prosecution ought to come. With respect to the motion of the noble lord, it was one to which he could not agree. He had already stated the difference between the law of libel as it formerly stood, and that which at present existed; and if he were to give his opinion as to any imperfection in the bill now before their lordships, he should say that it was deficient in not enacting some punishment for libel in the first instance equivalent to that which had been recently repealed.

The Earl of *Rosslyn* thought, that before this bill passed, ministers ought to show that the present law was inadequate to the object in view, and what prosecution for a right object, and rightly conducted, had failed. The noble viscount had alluded to the proceedings against Mr. Hone, as a reason why the officers of the crown were unwilling to prosecute. But what had been the effect of that prosecution? Why, according to the noble viscount's admission, it was followed by a decrease in the number of libels published, being the consequence of a decrease in the disposition to buy. Now, if such an alteration had taken place after the trial of Mr. Hone, it was rather odd to make his acquittal a ground for the present measure? But who had been acquitted in the year 1819 for blasphemous libel, that the noble viscount thought it necessary to propose this measure? The argument, that Mr. Hone's acquittal had caused an increase of libellous publications, was now swept away. If their lordships looked at the papers on the table, they would find that no steps had been taken towards enforcing the law in the present year, until July. It seemed as if prosecutions had been abstained from purposely—as if it had been expected that an increase of the crime would take place, to justify the imposing of heavy and extraordinary penalties unknown to the constitution.

Lord *Erskine* said, that when he formerly spoke against the bill before the House, he had not then seen the papers now upon the table, which greatly increased his objection to it. He did not then know that in 1818 there had been no prosecutions, and in the last year only one. How then could a measure so perfectly new in principle be possibly supported. The noble viscount ought not to suppose that they who opposed it, condemned ministers for not prosecuting.—What they had said was only this—"If there has been such an increase of blasphemous libels, as to justify the enactment of new laws to suppress them, *why* have you not prosecuted them. We do not pretend to blame your inactivity, because we have no proof of the truth of your assertion, but when you call upon us to consent to new laws, and of greater severity, we have a right to retort that no use had been made of the old ones."—It had been justly observed by his noble friend (lord Holland) that the matter to be considered was not the number of the writings which alarmed his majesty's ministers, but the proportion to the antidotes of religious publications. Only 3,000 copies of the Age of Reason had been shown to have been circulated, whilst printing in all its branches had increased to an uncalculable extent, and particularly in tracts periodically circulated by the zeal of sincere supporters of the Christian faith. Lord E. said he had reason to believe that the numbers alone of the Methodist and Evangelical Magazines, taking the circulation of each at 25,000 per month, amounted to above 500,000 in a year, and there were very many others of the same character so widely circulated, as to make religious enthusiasm rather than infidelity, the national characteristic. At the same time he was most desirous that the infamous traffic in writings of that description should be put down, and the ancient laws had always been found sufficient to effect it. His objection to the bill, however, would have been greatly lessened, if the second punishment had applied alone to blasphemous publications, because booksellers might then easily discover the kind of books or pamphlets they were selling; but when it was extended to writings upon the daily measures of government, which the people by the best principles of the constitution have a right to consider, and even a duty with freedom to animadvert on, it was a scandalous and frightful abuse to require from every general bookseller carrying on an extensive trade in books, such an accurate scrutiny into every work he sent forth from an immense

library as to protect him against the ruin of transportation if he made a mistaken estimate of every writing on political subjects which he had sold, more especially when the libellous characters of such publications depended upon opinions which might differ, and not upon any plain rule of law. It was manifest, therefore, that by extending the bill to other objects, blasphemy was made a mere stalking horse to justify, and by imposition to render popular the new projected fetters on the press, so as to deter men from examining and publishing the acts of government, dreading every public scrutiny into the vices or errors of its administration. Lord Erskine said, that his noble friend (lord Holland) had alluded to a passage in the works of Mr. Burke, exposing the corruption of an addressing parliament, and a petitioning and complaining people. There were many other most eloquent ones of the same description, one of which he repeated, and said, that coming from the pen of some obscure author instead of Mr. Burke, whose character was established and out of reach, it might have been prosecuted, and the terrors of transportation might have been made use of to suppress such valuable works. He should therefore support the amendment.

The Duke of *Wellington* thought his noble and learned friend who had just sat down had completely mistaken the question. What their lordships had to consider was, not whether the present law of libel was sufficient with regard to a first offence, or whether the government ought to have instituted more prosecutions; but whether it was proper now to pass a law for inflicting a severer punishment on persons convicted a second time of the same offence. What had given occasion to the introduction of the present measure was, as he understood, the case of Carlile. That person had not only continued the sale of the libel for which he was prosecuted, after conviction, but had published other libels, and had also published the same libel for which he was tried in another form, before sentence was passed upon him. No person who considered the circumstances of that case could avoid seeing that the law was not strong enough to prevent the repetition of the offence. The question therefore was, whether their lordships would enable the judges to inflict an additional punishment in such a case—whether they would not adopt a measure which had for its object to prevent the repetition of so atrocious an offence.

Lord *Holland*, though the grounds on which this measure had been defended had often varied, did not expect at this period of the discussion to hear it stated, that it had been brought forward for the reason the noble duke assigned. It seemed now, that all that had been stated in support of the bill was unfounded—that it was not a general increase of libels that had given it origin, but a desire to apply punishment to a particular repetition of the offence, because one man had after conviction continued to publish: but it was a pity the noble duke did not think it necessary to go one step farther, and to show that the court was not able to punish this offender. If he did publish fresh libels, did not every separate publication afford a ground for further punishment? If their lordships were to go on to punish on such grounds, they must next apply the penalty of death to this offence, for nothing else remained. When the discussion of the present measure first commenced, it was stated that libellous publications had greatly increased, and that the acquittal of Mr. Hone had been a great cause of that increase. A return of the number of prosecutions, embracing that period having been moved for and produced, it was to be expected that this assertion would have been confirmed; but on referring to it to see what prosecutions had been instituted during the year after Mr. Hone's acquittal, what was the number returned? None. The noble viscount, in answer to the observation of his noble friend on this subject, says, that during that period the fact was, that the number of libels published did actually decrease. This was contrary to every thing that had been stated before. For his part, he had no inclination to look after libels; but he must say, that the most blasphemous and seditious he had ever met with were published in that very year 1819, when, according to the noble viscount, the taste for that sort of publication had so much declined; and yet no prosecution had been instituted in that year. Here, he observed, he must repeat the observation of his noble and learned friend, that fault was not found with ministers for not prosecuting, if prosecutions were unnecessary. That was not made a charge against them; but when they proposed new laws, on

the ground that the present were inefficient, it was fit that they should be called upon to prove that inefficiency, by its failure when applied to cases which deserved to be prosecuted. At the beginning of the session it was proposed by a noble friend of his, that their lordships, before they proceeded to any enactment, should institute an inquiry, in order to ascertain whether the evil complained of existed; but then it was never conceived that it lay in so narrow a compass as that assigned to it by the noble duke. Now it appeared that all we had heard respecting the great increase of blasphemous and seditious libels, after the acquittal of Mr. Hone, was unfounded; that on the contrary they had decreased, and consequently no prosecutions had been instituted. He confessed that, had he heard from any of his friends on his side of the House, that the return of the number of prosecutions would have been what it turned out to be, he should have deemed it a hasty assertion; but the manner in which it had been accounted for was one of the most extraordinary circumstances which had occurred during the discussion of the measures proposed by ministers.

The Earl of *Westmoreland* said, that as the bill had gone through all its stages, and as their lordships had already agreed to the increase of punishment, that increase could not be brought again into discussion. If the measure were now under discussion, he should be prepared to contend, that the alteration of the punishment by the present bill did not render it more severe than it was when pillory was in use. This, however, was not now the question. The question was, whether the bill enacting this increased punishment was to be a permanent or temporary measure. He had no hesitation in saying that he thought it ought to be permanent, as he could not conceive a time in which he or their lordships would be disposed to consider the blasphemous and seditious libels described in the bill too severely punished by the penalties awarded. Some noble lords had represented this measure as dangerous to the liberties of the people, and an inroad on the constitution. He was of opinion, that it would tend to preserve their liberties and constitution; and as it was desirable that these blessings should be perpetual, so he thought that this measure should be perpetuated as their support and protection.

Earl *Grosvenor* said, that as the bill had not yet passed, it became their lordships to consider now, whether it ought to be made temporary or permanent. He besought their lordships to reflect on the danger of the measure to public liberty. He could not believe, from the temper displayed by his majesty's ministers, that they would accede to the proposition now made; but he called upon those noble lords who had not become the slaves of administration, who had not so much prostrated their understandings to the views of government, as not sometimes to decide for themselves, and to support measures proposed by his side of the House—he called upon the noble lords on the cross-benches, to consider the inroad which this act would make on the constitution, and therefore not to sanction its perpetuity. He knew it might be said, that the law, if found unnecessary or injurious, might be repealed; but it was difficult to get a law repealed on which the courts had been acting as permanent. Under a tyrannical law, the public mind might acquire a death-like torpor, which might render it insensible to the despotism under which it laboured, and thus learn to make no difference between the thick atmosphere of oppression, and the free air of liberty. The noble earl said, that he should have wished to have entered more at large into the subject of the new measures, had he not been prevented by indisposition. He then proceeded, but evidently labouring under the indisposition to which he alluded, to state grounds for believing that the alarms in the northern counties, and particularly in that part of the country with which he was connected, were false, or much exaggerated. The disturbances among the miners and colliers of Flintshire had no political object: they were merely disputes about wages, which had been since adjusted. He had alluded to these circumstances, because he was confident that in many other instances where disturbances prevailed, they arose from causes connected with the state of trade or the rate of wages, and did not indicate any disposition of resistance or rebellion against the government. Reverting to the bill before the House, the noble earl observed, that it would have been a great satisfaction to his mind if an instruction had been given to the committee to divide it into two, and to separate that part of it which related to blasphemy

from the enactments for checking seditious libels. The blasphemous libels intended to be put down were so disgusting in their nature, that there would have been little objection to greater severity of punishment. Seditious libels, as the word was understood, might be of a very different description, and might not deserve the same punishment. He had observed with regret, that the noble lords opposite, in supporting their measures of severity, had, in their speeches, universally joined blasphemous to seditious libels, as if for the purpose of inflaming the public abhorrence of the one by the infamy attached to the other. He always lamented when he saw religious and secular matters mixed, but more particularly when he saw religious men engage in secular subjects, for by so doing they uniformly lost that respect and reverence which ought to belong to their sacred character. He should not, however, find fault with them, if, when they did interfere in secular matters, they followed the example of the present bishop of London, who met these blasphemous publications by the only proper means—the distribution of religious and moral lessons. Such were the means most effectual for controlling the evil complained of—such the means for acquiring respect and esteem for the individual who would so conduct himself—and such the surest and most effectual weapon for combating the enemies of the church, by drawing out for the sacred fabric the best wishes of the generous and the good throughout the kingdom. [Hear, hear!].

The Bishop of *Landaff* said, that in the few observations which he had to make, he would confine himself to that part of the bill which related to the suppression of blasphemous libels. He did not understand the noble duke as supporting the necessity of the present bill only on the difficulty of punishing or checking an offence in one particular instance. The offence of blasphemy was one of long standing. It had, during the last century, appeared under different shapes of infidelity and irreligion, but it had lately assumed an entirely new aspect. It was formerly limited to books of infidelity and free-thinking, which fell into the hands only of persons of education, who could resist their influence or refute their errors. In the present times, blasphemous and infidel productions were brought down to the level of the meanest capacity—learning and argument and reason were discarded, and the meanest understanding joined to the grossest ignorance assumed the privilege of abusing what the most cultivated and sublimest minds had defended and venerated. There was no reason in that called the "Age of Reason." Considering the character of the irreligious works in circulation, it was vain to suppose that they could be put down by legitimate reasoning or fair argument, or that their authors could be silenced by any effort of wise and solemn minded men to refute their errors. Some attempt therefore ought to be made to try whether the terrors of the law could not put down publications against which neither the reasonings of the wise, nor the researches of the learned, nor the force of truth, offered an immediate defence to those classes of society among which they diffused their poison. The noble earl had eulogized the distribution of moral and religious tracts to counteract this alarming evil. This might be done; but it was not alone sufficient. The ministers of religion should be seconded in their efforts, and inspired with confidence in the success of their labours, by the countenance of their lordships, and of all the respectable part of society, who should testify their abhorrence of those attempts now making to unsettle all the principles of mankind. After the discussion which the bill now before the House had already undergone, the reverend prelate declared that he should think any observations of his an intrusion. He could not, however, but allude to one remark made by a noble lord, who asked—was transportation a fit punishment for a wrong direction of intellectual labour? Now, there was no effort of mind, no intellectual operation, in blasphemy. It was a crime that the meanest capacity could commit; and the persons who had lately published their pestiferous doctrines had evinced so much of the felon's character that they deserved to share the felon's fate. He therefore gave his support to the bill, which, in his opinion, would be duly executed by juries, and give confidence to all orders of the community.

Lord *Lilford*, who spoke from the cross-benches, said, in reply to an observation of earl Grosvenor's, that he did not see why those who supported government on the present occasion could be considered as having prostrated their understandings to the administration. The noble lord at some length defended the bill.

The amendment was negatived without a division, and the bill passed.

Protest against Passing the Blasphemous Libel Bill.] The following protest was entered on the journals:

"Dissentient,

"For the reasons assigned in the protest on the second reading of this bill.

"And because, feeling, as I do, a just abhorrence of the mischief of circulating blasphemous writings, I am persuaded that the prevalence of such libels will not be diminished by the provisions of this bill.

"Because I consider, also, that in the present disturbed and distracted state of the country, measures of extreme severity are little calculated to restore confidence to an irritated and suffering people, and that the increased measure of punishment for the repetition of the offence, of "composing, printing, or publishing" what are termed seditious libels, is inconsistent with the genuine spirit of the English constitution, and inefficient for the object which it professes to have in view. Bedford."

## HOUSE OF COMMONS.

*Friday, December* 10.

Breach of privilege—Complaint of a Pamphlet intitled "A Trifling Mistake," &c.] Mr. *Courtenay* rose, in pursuance of his notice, to make a complaint of a pamphlet, an extract from which had been read during the debate of yesterday. The task which he had now undertaken was of the most painful nature, and nothing but a strong conscientious feeling of its necessity could have led him to undertake it. He should, however, have been wanting to himself, and to those privileges which he, as a member of parliament, was bound to defend, if he had not, after what had passed yesterday evening, called the notice of the House to the gross and wanton attack which had been made upon it. Having satisfied his mind that it deserved the notice of the House, he would shortly state the reasons which had induced him to put himself forward on this occasion. One reason was, that he had heard the obnoxious paragraph more distinctly than any other member in the House from his proximity to the hon. member who read it. Another reason was, that he was totally unacquainted with the party to whom the pamphlet was imputed, and not at all implicated in any of the topics which its pages contained. He therefore trusted, that the House would agree, that he had not undertaken an improper, though he might have undertaken an unpleasant duty. He fully agreed with an honourable and learned friend of his, who had spoken last night, that cases might arise in which it would be imprudent to take notice of breaches of privilege: but this certainly could not be classed among them. There was this difference between this publication and all those other publications to which his hon. and learned friend had alluded, namely—that it had been read by an hon. member to the House, and had afterwards been commented on by him in the course of his speech. For his own part, he must say, that he had never in the whole course of his life perused a work which contained a more direct libel on the House, or which gave more direct advice to the people, to abrogate its powers, to resume the rights which they had intrusted to it, and to make, by brute force, that reform in it which they deemed advisable. Honourable members could not but be aware, that for some time past, publications of the most seditious nature had been generally circulated; that language of the most inflammatory description had been employed to decry all our most sacred institutions; and that upon no subject had more inflammatory language been used than upon the House of Commons. As yet, they had not chosen to mark the opinion which they entertained of these calumnies, by punishing those who propagated them; but now, as a paragraph which reflected most grossly on the character of the House had been brought before them in the course of debate, it became them to bring the author of it to punishment, if they valued their privileges, and wished to prevent the neglect of vindicating them on the present occasion from being drawn into a dangerous precedent against themselves at a future period. He was sure that he need not take up the time of the House by referring to precedents, in which the House had vindicated its privileges by proceeding against authors who had aspersed its character: such cases were very numerous, and in many instances the proceedings had even been set in motion by those who were generally accounted the guardians and assertors of the people's rights. Mr. Fox and Mr.

Sheridan had both said, that the best way to uphold the dignity of the people, was to uphold the dignity of the Commons' House of Parliament. It was not merely to uphold its dignity, but also to preserve its very existence, that he now came forward in defence of its privileges. Not merely had the language of menace been used by the author of the pamphlet of which he now complained, but also language advising and recommending the people to use their physical force, in order to obtain reform in parliament. He did not know whether any members were now present who had not heard the extracts from this pamphlet read by his honourable friend last night. If there were any, he would state to them the nature of the libellous publication. After saying a great deal of the reform which, according to the writer was essential for the preservation of the people's rights, and after complaining of the departure from some of his former principles, which had marked the recent conduct of the individual (lord Erskine) to whom the pamphlet was addressed, the writer expressed himself as follows, on the state of that House:—

"What prevents the people from walking down to the House and pulling out the members by the ears, locking up their doors, and flinging the key into the Thames? Is it any majesty which hedges in the members of that assembly? Do we love them? Not at all—we have an instinctive horror and disgust at the very abstract idea of a boroughmonger. Do we respect them?—Not in the least. Do we regard them as endowed with any superior qualities? On the contrary, individually there is scarcely a poorer creature than your mere member of parliament, though in his corporate capacity the earth furnishes not so absolute a bully. Their true practical protectors, then, the real efficient anti-reformers are to be found at the Horse-Guards, and at Knightsbridge barracks. As long as the House of Commons majorities are backed by the regimental muster-roll, so long may those who have got the tax-power keep it, and hang those who resist."

He collected from the partial cheers which had been raised during the reading of this paragraph, that there were some gentlemen in the House who entertained opinions similar to those of the author of it. He was sorry for it.—Abusive, violently abusive as it was, he did not know whether he should have called the express notice of the House to it, if it had been unaccompanied by others of a similar description. He had no objection to any man expressing as strongly as he pleased his conviction of the necessity of parliamentary reform; but he must insist upon his not directing the people to seek it by physical force; he must insist upon his not leading them to think, that such a remedy was the only remedy left them, and therefore the only course which they ought to adopt. The paragraph which he had just read to them, when considered along with the context, evidently expressed the opinion of the writer, that it was by force alone that parliamentary reform could be accomplished; for, after stating how impossible it was for the House to reform itself, he proceeded to say, in page 51, that "nothing but brute force, or the pressing fear of it, would reform the parliament." Would any man be found to say that two meanings could be put upon this passage? If there were no other passage in the book but this, the House would not do its duty, if it did not institute proceedings upon it: for in what situation might it be placed, if it did not take some notice of this pamphlet? Supposing that any practical effects were to result from the advice given in it (and the following of such advice could lead to nothing else but scenes of confusion and ruin, which no man could contemplate without horror), with what conscience could the House proceed to punish the miserable wretches who had been deluded by this work, when it had not declared its opinion upon the work itself, though brought before its notice, or shown that it had the power to punish the sophistical writer of it? In such a case, would not any person, involved in the guilt of rebellion from following the recommendation of this pamphlet, have a right to say to the House, "You have yourselves assisted to mislead me; you are now pouring your vengeance upon me, and yet you have taken no notice of the person whose advice led me into that course of crime for which you now punish me." He had no means of ascertaining by whom this pamphlet was written; but from whatever quarter it came, it was clearly the production of a person who filled no mean situation in life, who had received no common education, and who was endowed with considerable talent.—

When, then, every party in the state was calling for the punishment of the twopenny and threepenny publishers of treason, was it fitting that they should show any thing like a fear of this author, because he enjoyed a more exalted rank in society than those wretched scribblers. After ascertaining the author of this pamphlet, the House could proceed to further measures. He would now state what he thought the proper course for the House to adopt. He was desirous that the House should proceed in the most cautious and most deliberate manner; and that whatever should be done might appear not to arise from sudden indignation or individual feeling, but to be the result of reflection and mature consideration. The first step which he proposed to be adopted was, to call to the bar of the House, the individual whose name appeared upon the face of the publication, in order that they might get at the real offender. He thought it in no case proper to proceed against the printer or publisher, when the real offender could be traced. He should therefore move, that Robert Stoddart be called to the bar of the House. There were cases in which the House had immediately come to a resolution declaring that the paper complained of was of a particular character, and then called the party before them. There were other cases in which they called the party before them without having come to any resolution. Upon the precedent furnished by the latter class of cases he proceeded, because it did appear to him more reasonable, first to inquire after the person who wrote the publication, and then to pass a resolution, expressing whether it was or was not a breach of privilege. In making this motion, he hoped that no other motive would be imputed to him but a common sense of the authority of the House, and a common feeling of the respect with which it ought to be regarded throughout the country.

The *Speaker*.—Does the hon. member wish the title of the publication, and the particular passages to which he has referred, to be read?

Mr. *Courtenay* assented, and handed the pamphlet to the clerk, who read from it the passages quoted by Mr. Courtenay in his speech, and also the title-page, which is as follows:—"A Trifling Mistake in Thomas Lord Erskine's recent Preface shortly noticed, and respectfully corrected, in a Letter to his Lordship, by the Author of "The Defence of the People." London, published by Robert Stoddart, 81, Strand." He then moved that Robert Stoddart be ordered to attend the House on Monday next. On the question being put,

Sir *Francis Burdett* said, it appeared to him, that the House never appeared in a more odious view, than when it exercised its privileges in a manner repugnant to the general feelings of the country, and in a manner by no means calculated to satisfy justice. If the present motion was agreed to, that House must appear to the public at large in a very extraordinary view. A few nights since, an inquiry which the whole country demanded, an inquiry undeniably within the inquisitorial functions of the House, was refused, as not suited to the character and powers of that House. But now, all allowed that this was within the province of the House—this invidious, judicial, exercise of its functions. When the real inquisitorial functions of the House were to be exercised, at the desire and for the protection of the people, the House was voted to be an unfit place, and it was so voted by those who on the present occasion would vote the House into a court of justice. It must appear extraordinary, that the House should be now called upon to exert functions which they had been lately told could never be judiciously or usefully exerted. The House had been told, that they were not qualified to sift truth; that they could not stir one step in a judicial inquiry without covering themselves with disgrace; that no public benefit could result from the exercise of such functions. Such was the reply, when the whole country called for the exercise of functions which could be constitutionally and beneficially exercised. But now it was thought proper to institute a judicial proceeding, although no evidence was before them, no evidence could be fairly before them, and truth could not be investigated. Now it was proposed to assume the power of defining laws, and the most difficult and vague of all laws—the law of libel, without giving the accused any possibility of equal trial, or any possibility of obtaining justice. He thought the doing of such an act as this would excite the greatest feeling of disgust throughout the country, and the strongest sense of injustice. Even supposing, for the sake of argument—and it was only

for the sake of argument he could suppose it—that the passages cited were a libel, still the mode of proceeding now proposed was unjust and repugnant to every man of just and honest feelings in the country. The House was to be the judge in its own cause, and to punish at its pleasure. Whether the charge was true or not, was not the question; but any proceeding against this publication in the mode proposed, could only lower (if lower it could be) and disgrace the House in the eyes of the country. He was surprised that the hon. and learned member should have chosen such a strange mode of proceeding, and should not before proposing to ascertain the offender, have called upon the House to say whether any offence was committed. From the reading of a passage, no one could say whether it was a libel or not. It might be borne out by the context. He believed it to be exceedingly true, that a borough-monger was as despicable, as low, as any human being could be. But if detached and unconnected passages were taken from any writer, they might appear libels or breaches of privilege. Mr. Burke had written many passages more degrading to that House than the passage now quoted. Lord Chatham had said, that that was a corrupt House, subversive of all law and order, and of liberty of every kind. Indeed, there had not been a great or eminent man for many ages, who had not characterized that House in worse terms than those now in question. The privileges of that House had been originally granted for the purpose of enabling members to maintain the rights of the people. They had been intended for the protection of members against the officers of the crown, and against being called before the privy council to answer for doing their duty in that House. But to exercise their privileges in this way, was a monstrous perversion of their nature and object. Selden, generally distinguished as the learned Selden, said, that "members of parliament were as great princes as any in the world. Privilege of parliament was, no man knew what; but under this they could exercise all power. The doge and senate of Venice exercised no power over their own people, which parliament could not exercise over all classes of people." Thus Selden pronounced the power of parliament worse than the greatest, and proverbially the most odious, tyranny which existed in the world. Having read the pamphlet, he could by no means agree with the hon. and learned gentleman in the construction he put upon particular passages. It contained nothing which recommended the subversion of that House. The passage now brought under the notice of the House, instead of being a breach of privilege, admitted of the very contrary construction. What did prevent the people from pulling out the members by the ears? The passage quoted said, it was "force" that prevented them. What did the House say it was that prevented them? What did the bills say, which were now passing to the general disgust of the country? [Hear.] Did they not say, that it was absolutely necessary to have recourse to brute force? [Hear, hear!] This was the very argument used by the House itself. If this was so—and he believed it was—they must admit that it was more through fear than any attachment to them, that they were protected. This was no more than what was said by every advocate for the present measures. This was the argument founded upon the papers upon the table; and by coercive measures alone was it proposed to make the people yield to their authority. Yet the House would now consider it highly penal to say so! The House had declared their conviction that force alone protected them, in so many ways, that they could not be misunderstood. The author of this pamphlet, whoever he might be, had said no more. He should content himself at present with opposing the motion for calling the printer to the bar, till they had themselves determined whether the passage was or was not a breach of privilege. He protested against the House turning itself into a court of justice, as it was most unfit to decide in its own cause, by which proceeding it would take the law into its own hands, and preclude all means of defence or fair trial.

Mr. *Bankes* said, he had heard the hon. baronet's speech with considerable pain, and had felt doubtful whether it was not his duty to have interposed in the course of it. He could not conceive how they could be a House of Commons, how they could act as representatives, or how they could perform their part in the legislature, if they did not protect themselves from libel and insult. The hon. baronet had referred to the demand for inquiry lately made, at least by a part of the people of England,

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and to the refusal of inquiry. The House upon that occasion had exercised a discretionary power. No argument could, in the present case, be founded upon that. Whether the House had done right or wrong then, their conduct afforded no argument now. He had taken no part in that discussion, more from accident than any other cause; but the House had the power of instituting an inquiry if it chose to exert it. Its powers were less adequate to the purpose than those of any of the courts below; but it might have exercised its powers. It had been said by those who were for inquiry, that it might be conducted at the bar; that it might be referred to a committee, or that the attorney-general might be instructed to prosecute. He knew not what course the hon. gentlemen meant to adopt: whether he proposed that the House should be judge in its own case, than which nothing was more common in the best times; or that the attorney-general should be instructed to prosecute, which was also common: whatever course might be adopted, he would ask even the hon. baronet, whether the House were not fit to judge of the merits of this case. He had never read a grosser libel. It was a libel tending to produce revolution and anarchy [Hear, hear!] tending to excite physical, or, as the writer called it, "brute force." It was a direct incentive to pull the members out by the ears, to lock the door, and to throw the key into the Thames. The hon. baronet said, the House would be guilty of great injustice, if it adopted the proposed proceeding, and assumed such powers. But the privileges of the House existed for the defence of the people, and for the protection of the people. That House could not exist without maintaining its power and authority. The hon. baronet and his friends thought the present constitution bad, and wished to new-model it. God forbid that they should have any hand in the new-modelling of the constitution. It should be his object, while he had a seat in that House, to resist the new modelling of it by such hands. That constitution, under which we had grown up and flourished, was said by the hon. baronet to be inconsistent with justice: but he must say, that if the public mind was to be worked upon by such gross and seditious libels, that House, the constitution, and the administration of justice, would soon be overthrown. His best endeavours should be always exerted to avert such a crisis. Libels like that now before them endangered not only the usefulness, but also the existence of the House: but the greatness and the dignity of the House had been maintained, ought to be maintained, and, he trusted, would still be maintained, against the new sect which had risen up amongst us, and whose object was anarchy and desolation.

Lord *John Russell* thought the question now brought before the House the most ill-advised, and the most imprudent that could possibly have been brought before them. When there were so many seditious libels throughout the country—when in the papers on their table was found a resolution, that after the 1st of January 1820, no obedience ought to be paid to parliament, why should this passage be selected for the judgment of the House? If notice was to be taken of every libel, why was there no notice of the resolution he had mentioned, of similar resolutions at other meetings, of the "Medusa" and the "Republican," every one of which was an offence against the privileges of the House? But the House had the power of prosecuting all libels, either by itself or by the attorney-general; and it had the power of passing laws to prevent or to punish the repetition of those libels. But, to cull out one of the many seditious libellers, and to be satisfied with passing bills respecting the rest, was a measure which did not become the justice of that House. The privileges of the House had been intended, as the hon. baronet had truly said, to protect members against violations of justice which might be committed by the officers of the crown. But cases of privilege were now little else than complaints of libels in newspapers. Extraordinary cases might call for the notice of the House; but they ought never to be noticed unless they should be such as the House could not pass over. The passage now brought forward had appeared in a publication out of doors, among many others at least as objectionable. To save time, he would move as an amendment, that Robert Stoddart be called to the bar on the 18th of January next.

Mr. *Douglas Kinnaird* said, that as only an isolated passage had been read from the pamphlet, doubts might reasonably arise in the minds of hon. members, who had not read the tract from which it had been taken, as to whether it was or was not libellous [A laugh]. Having

read the whole of the pamphlet himself, he should take the liberty of stating, that he was satisfied in his own mind, that, looking at the entire context of the passage complained of, any conclusion might be drawn from it, rather than that come to by the hon. member on the floor; namely, that it was meant as an excitement to rebellion, and that its object was, to instigate the people to pull out the members by the ears, lock up their doors, and fling the key of the House into the Thames. What was the real meaning of the passage? That fear of the laws, and not love, restrained the people. It was a proposition that might be stated of any law that was not mild, but coercive. That was his impression. If that impression—namely, that fear, not love, restrained the people—was not supported by reasons and arguments, it was only an unfounded conclusion, not a libel.

Lord *Nugent* begged to say three words in explanation of the vote he meant to give. He should vote for the original motion. He concurred so far with his noble friend behind him, as to think that his majesty's ministers had criminally neglected their duty, in not instructing the attorney-general to prosecute other libels perhaps more atrocious. But that was no reason why he should not vote for the present motion, when he saw the privileges of the House so outrageously attacked in the face of the country. The hon. member who had last night mentioned this publication had ascribed it to a particular individual. He would not do so, but he would say that it bore internal proofs, in its style and mode of reasoning, that it proceeded from the pen of a person who was a worthy victim for the House to strike. The motion was not for committing to the custody of the sergeant at arms, or to Newgate. The spirit of the object was, after ascertaining from the printer who the author was, to direct the attorney-general to lay both the law and the facts before a jury of the country. He was not willing to give up the privileges of the House, connected, as he believed them to be, with the rights and liberties of the people. These were not times in which those privileges ought to be surrendered or qualified. He was aware of the obloquy and misrepresentation to which he should be exposed by his conduct on this occasion; but if he were not prepared to suffer obloquy and misrepresentation in the discharge of his duty, he was not qualified to do that duty. So long as they were there, in a House constituted as that was—he would that some of them were there on other terms—but so long as they were there, they must support their dignity and their privileges.

Mr. *Courtenay* said, that his sole object at present was, to call the publisher to the bar. He did not pledge himself afterwards to any particular line of conduct.

Mr. *Wilberforce* said, that although he had been many years a member of that House, he was not well acquainted with privileges or precedents, but he was led by instinctive feelings to join in censuring what attacked the substance of dignity and authority in parliament. The passage now read appeared to him a gross and scandalous libel, not only against the privileges, but against the existence of the House. He had seldom been more surprised than when he heard an hon. member say that any person might doubt whether this passage was a libel or not. It was the nature of the moral faculty, as well as of our natural feeling, to doubt the existence of a weaker ingredient, when accustomed to a stronger ingredient. It might be so with the hon. member, who was perhaps so much accustomed to strong libels, that he doubted whether this was a libel. The hon. member had explained his meaning by saying, that it was only an assertion that fear restrained the people more than love. Mr. Hume, in one of his celebrated essays, had remarked, that "all government was founded on opinion, opinion of interest or opinion of right." It would have been absurd to suppose that Mr. Hume should have been called to the bar of the House for that expression. But all depended on the terms used, and the tendency of the language. If it were said, that the passage contained nothing but the truth, it must at least be admitted that the truth had been very boldly expressed. The expression was, that the members of that House might, on a certain supposition, be dragged out by the ears. He could not conceive a more plain and open incitement, couched in grosser language; he could imagine no words more likely to produce the effect of carrying the doctrine which they imported into execution. A disposition to insult the House was too easily infused, and if it was treated with mildness, would only gain strength and become inveterate. He had, indeed, heard of a story which represented

that a threat to kick a person down stairs ought to be understood only as a hint of disapprobation. It certainly appeared to him, that there were strong grounds for the House animadverting on this subject, though he was by no means decided as to the most eligible course of proceeding. It evidently was not a case with regard to which the House ought to recede from the vindication of its dignity: for no distinction in favour of this particular case could, he thought, be made out. The hon. member had, in fact, conceded that the publication was libellous. Now, what difference was there between a prosecution, and a carrying of the law into effect? Still it was uncertain which was the most expedient mode by which the House ought to maintain its authority, and assert those privileges which were not established for its own sake, but for the interests of those whom it represented. But wherever it was possible consistently with those privileges, he deemed it more advisable to address the Crown, praying that it would direct the attorney-general to institute a prosecution. The only question with him was, whether this case was within that general rule, or whether it did not call upon the House to mark its displeasure, by the exertion of its own powers. He was sure that he was influenced by no personal feelings in what he now said; and he was equally sure that a great part of the people took an interest in the credit of that House. This was at least the impression made on his mind by all he had seen and heard; and he recollected that at the time when he represented the county of York, and was known to entertain sentiments favourable to a moderate reform, the majority of his constituents differed from him on that subject. They did not, however, wish him to defer implicitly to their opinions; for they knew that he would not be a slave; no, not even to the county of York. No doubt could exist in his mind upon this point—that it was the duty of the House to vindicate itself from contumely and outrage. He was willing to distinguish between loose and unguarded expressions, and those which appeared to convey an advised and deliberate meaning. He would not refer to the name of the supposed author; but when he heard it said that the context might lead to another construction of the passage, he could not help observing, that the hon. member who urged this consideration would hardly have been so wanting to the defence which he undertook, as not to read that context, if he thought it would really assist his argument. His not doing so was, in fact, a presumption against him. It gave him sincere regret to find language of the same kind addressed almost every day to those who had no means of avoiding the delusion, and principles disseminated which would tend to the overthrow of all that was venerable amongst us. They who so addressed themselves to the public had no intention of becoming martyrs to their own doctrines: their love of liberty was not so ardent as to expose them to any serious peril; but, whilst they kept themselves within the boundaries of safety, they inflamed and incited others to give a loose to the worst of passions, exhibiting all that was contemptible for baseness, with all that was odious for wickedness, and trifling with the security as well as the greatness and renown of their country.

Mr. *Douglas Kinnaird* said, that the reason he had abstained from reading any part of the pamphlet was, because he would not presume to read the whole of it to the House, without which a fair judgment of its object could not be formed. The passage which had made such an impression on the House was only an incidental one, not contributing to the author's main or professed object. He did not profess to institute an express examination into the state of the House of Commons, but only entitled his pamphlet "A Trifling Mistake," &c.—The hon. member was prevented from continuing by cries of "Spoke, spoke!"

Mr. *Hume* rose, amidst continued calls of "question!" and symptoms of impatience. He said, he was sorry to differ from many hon. members as to the best mode of proceeding in this case. In the case of the complaint made last session, by the right hon. the president of the board of control against an individual for misrepresentation, the House passed a resolution declaratory of the offence, before they called the printer to the bar. He was aware that he was addressing an impatient House, and should therefore merely add, that he thought the course which the House seemed disposed to pursue was erroneous.

Mr. *Wynn* was perfectly ready to agree to the original resolution, and at once to state his opinion that the language in question was a gross and glaring libel, and a direct incitement to the use of violence

against the House. He should not follow the hon. baronet through all that reasoning which consisted in a denial of their privileges, and the reiteration of an argument which the hon. baronet had already carried into the courts below, and subsequently into the other House of parliament. The House of Lords had confirmed those privileges though he did not mean to admit that they had not before stood on ground sufficiently firm. With regard to the relation of this passage to the context, he must say, that having read the pamphlet, he thought the farther that context was examined, the more necessary would it appear that the dignity of the House and the authority of the law should be vindicated in this instance. He would now merely read part of the concluding passage, which seemed to him to contain an open incitement to violence and to a resistance of the law.—The hon. member then read the following extract from page 52:—"My determination, for one, is fixed: if those who have the power attempt to deprive me of the inalienable right of meeting my fellow countrymen, by letting loose a soldier at me, without the warning of an act of parliament, I will resist him if I can; if they do give me the warning of an act of parliament, I will break it if I can. I consider the object exactly the same, the injustice equally calling for resistance; the mere additional ceremony is not worth the statute-paper; the time, the means, the occasion, must of course make part of the prudential question, which every man must determine for himself, and concerning which I do not wish to be his prompter." Could any man of common sense doubt the import and meaning of this passage? He must confess he could not concur with the argument in favour of a prosecution. Upon this subject he adhered to the principle maintained both by Mr. Fox and Mr. Burke, whom he regarded as the greatest authorities on all points of constitutional law—that the House lowered its tone, and weakened its authority, whenever it sought assistance from other courts. As to the objection, of the House acting both as accuser and judge, what was there strange in that? Was not every court invested with an authority to issue process, and if not obeyed, to treat it as a contempt? Had they not power to compel a party in such a case to answer interrogatories? and was a power exercised by all the minor courts in the kingdom to be denied to the supreme court of parliament? He knew that some persons thought it better to let such offences pass unnoticed; but, for his own part, he doubted the policy of thus manifesting their contempt. If the courts of law were charged with injustice and partiality, or if the judges were openly accused of acting with no other motive than that of currying favour with the court, would not the libellers be punished? Could their functions be discharged, or their authority maintained, if such attacks were suffered to be made with impunity? Why, then, should the privileges of that House, which were held on behalf of the people, be alone subjected to insult and invasion? The House must recollect the many errors and atrocities to which a breach of their privileges had led. How often had parliament been misled by giving way to an influence out of doors. The attainder of lord Strafford was procured by means of placards distributed about the streets. He agreed that they ought now to put out of view the individual reputed to be the author. But his supposed rank and situation might become important matters to be considered. The offence had, it was clear, not been committed unadvisedly, and the circumstances to which he had just referred constituted a strong ground for separating this from the great majority of such cases.

Lord *Nugent* observed, that he had been misconceived by his hon. relation who had just sat down. What he had said was, that he did not think it always expedient to pursue the same course, and that there might be cases in which the House might act incautiously in trusting to the Crown for directing a prosecution.

The question was then put, and the original resolution being carried, Robert Stodart was ordered to be in attendance on Monday next.

SEIZURE OF ARMS BILL.] Lord Castlereagh having moved the order of the day for the second reading of this bill,

Mr. *Tierney* said, he had no intention whatever to provoke a debate in the present stage of the measure. His objection was not so much to the principle of the bill, which was local and temporary, as to certain provisions of it. Therefore he thought it most advisable to let it pass the second reading and go into the committee, where perhaps the amendments might be adopted, which he thought requisite. If

not, there were two subsequent stages at which it might be opposed. A clause to which he most strongly objected was one empowering one justice, on any information, to grant his warrant for entering into the House of any man by night.

Mr. *Bennet* hoped the whole of the county of Northumberland would not be put under the operation of the bill. All its purposes would be answered by making it act on certain parts thereof.

Mr. *Lambton* hoped the noble lord would feel it his duty to state to the House whether he had made the inquiry he promised, in consequence of what had passed in the House last night. He now again asked the noble lord whether he had seen any communication from the deputy-lieutenant of the county of Durham to any of his colleagues, containing a representation at the end of the peaceable state of the county?

Lord *Castlereagh* said, he had read the communication referred to by the hon. member. But the evidence it afforded did not go the length that the hon. member seemed to imagine. It merely stated that the county was not in a state of tumult at that time, without venturing to assert that tranquillity would be permanent. Now, it had never been alleged, that the county was in a state of actual tumult, but only in such a state as might lead to tumult. The letter was written to lord Sidmouth, in consequence of an application to certain magistrates to call out the yeomanry, by the commanding officer at Newcastle-upon-Tyne, he considering an additional military force necessary for the security of the county. The letter conveyed intelligence of this application, and added what he had before mentioned, as the opinion of the writer. The South Tyne corps had in fact been put on duty in consequence of the commanding officer's wish. This was the only document he had seen.

Mr. *Wharton* declared that his information was of the most alarming kind. A system of communication had been established throughout extensive districts in Durham and Yorkshire, and the spirit of disaffection was on the point of exhibiting itself in armed force. The colliers and pit-men were thoroughly organized, and assembled every day in parties of twenty, their leaders assembling every week. A letter which he had received from a gentleman in that part of the country, and one not easily alarmed, stated, that without some commanding military force, there was an end to all security—that arms were provided, and the landed property already parcelled out [a laugh]. An hon. member opposite might be more interested than he was aware of, and if he knew the source of this information as well as he did, would come to the same judgment. At many of these meetings reform was, indeed, the professed object, but not any reform of that House, even upon the wild scheme of universal suffrage. The reform contemplated, and for which they seemed to entertain an enthusiastic desire, was a transfer of property from those who now enjoyed it to those who did not.

Mr. *Lambton* said, that were it not for the disagreeable nature of the subject, he should have been extremely amused at some of the observations of the hon. gentleman, but the subject was too serious for mirth. Yet he thought it a little extraordinary that a gentleman who had not been for some years in the county of Durham, and who, when he did reside there, lived some miles distant from the people against whom he had preferred such heavy charges, should come down to the House and make assertions concerning persons exactly opposite to what he (Mr. L.) had stated, who lived amongst them, and had caused the most diligent inquiry to be made into their conduct. He then described the contents of a letter he had received from a person who had a few days before been present at a meeting of owners of coal-mines, where the fact of the colliers having arms happened to be discussed, but not one among them could affirm the fact of his own knowledge. He stated, however, that the colliers had been pretty generally classed, but that that practice was very much abating, and that it had prevailed among the colliers only, and not among the smiths, or any other description of workmen. He never recollected any year in which the men were more anxious to work—he did not remember one idle day among them, but that of the meeting at Newcastle. He had also seen a gentleman from one of the villages to which he had before alluded, who represented every thing there as perfectly quiet. This intelligence had been confirmed by another gentleman from that county, with whom he had recently had a conversation. He had informed him, that many of the persons classed as radicals had left the

classes. An hon. friend had suggested that he ought to explain what that classing meant. It only implied, that persons formed themselves into parties of twenty, who chose a leader to read a newspaper to them, purchased in common. He could not allow the fact of classification to be any evidence against these persons; he believed in his heart it was done for no other purpose but that of reform, and not to pass Agrarian laws; and that they were as quiet and peaceably disposed as any description of his majesty's subjects. Accordingly, he still adhered to his intention of proposing in the committee, that the county of Durham should not be within the operation of the act. He assured the noble lord, that in making these inquiries, he had been actuated solely by a desire of dissipating what he conceived a false alarm.

Lord *Milton* said, he believed there was no connexion whatever between the colliers in Northumberland and those in Durham. He lamented extremely, that a bill like the present should be proposed to be continued for two or three years, when it was in fact totally uncalled for by the state of the country.

Mr. *H. Clive* mentioned a report from the mayor of Newcastle, which was in the Secretary of state's office for home affairs. It contained the depositions of four respectable individuals, on the subject of the meeting near that place on the 12th October. The hon. gentleman read the substance of three of these depositions. The first stated, that the deponent had no doubt but that the parties marching to the meeting were secretly armed; the second, that the radicals were armed with pikes; and the third, that the deponent believed that upwards of 1,000 had arms in their pockets.

Lord *Castlereagh* rose merely to mention a matter to the hon. gentleman (Mr. Lambton), not that the statements of the hon. gentleman would, even if accurate, alter his view of the expediency of the extended measure; but he wished the hon. gentleman to inquire into the truth of the fact which had been stated to him last night, namely, that the agent of the hon. gentleman had discharged from his mines the leaders of these classes. If this was the case, it was curious that so excellent a reformer as the hon. gentleman should have so indifferent an opinion of these reformers as not to trust them even in his coal-mines.

Mr. *Lambton* rose, with considerable warmth, to repel the conjunction of his name with radical reformers. He had often been attacked for his opposition to their principles, and it was too much for gentlemen who had never ventured to meet them face to face, to taunt him in this way with a sympathy in their doctrines.

Lord *Castlereagh*, with much good temper, assured the hon. gentleman that he called him an excellent reformer in a constitutional sense, and never meant to class him with the radicals. He knew he was not a radical, for he had read the hon. gentleman's speech, delivered at the Newcastle meeting, with all that open manliness which marked his conduct in every other respect. He only thought the hon. gentleman was more disposed to place confidence in those persons than he should be, and mentioned the subject entirely that the hon. gentleman, if not acquainted with it, should ascertain whether his agent had thought so ill of the leading reformers as to dismiss them from his service.

Mr. *Lambton* said, the noble lord having, with that conciliating manner which no one knew better how to display, disclaimed the intention of imputing those violent principles to him, he of course could not for a moment retain the idea that any thing personal was meant. If his agent had dismissed these men, he was not implicated; and, to be good for any thing, it must be shown that they were discharged on account of their political principles, and for no other cause.

Sir *C. Monck* said, he hoped the noble lord, when the bill was considered in the committee, would consent to limit the operation of the bill to three wards in the county of Northumberland, they being the only parts of that county where symptoms of disturbance had manifested themselves.

The bill was then read a second time.

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## HOUSE OF LORDS.

*Monday, December 13.*

MISDEMEANORS BILL.] The *Lord Chancellor* having moved the order of the day, the bill for preventing delay in the administration of justice in cases of Misdemeanor was read a third time. His lordship then observed, with reference to what had been said on the subject of informations ex-officio, that he had framed a clause which

he intended to move, to add to the bill. In criminal cases, at the suit of a private prosecutor, the term allowed to the latter was twelve months, and if he did not bring the case on to trial within that period, the defendant might carry down the record by proviso, and tender himself for trial; he had thought it right to apply the same rule as to time, to informations ex-officio filed by the attorney general, and to informations and indictments in which the attorney-general was the prosecutor; and he proposed to enact, that in every case of such prosecution, where the defendant had pleaded not guilty, and the attorney general did not, within a year, bring on the case for trial, the defendant might give a notice of twenty days to the attorney-general of his intention to apply to the court either to order a trial, or to set aside the prosecution. Either the Court could then make an order, or the period of the notice would give the attorney-general an opportunity of entering a *nolì prosequi*.

Lord *Holland* hoped the House would excuse him if he should rise to make his personal acknowledgments to the noble and learned lord, for the clause which he had submitted to their consideration. The clause went as far as any thing which he could suggest, and carried its object into effect in a much better manner. He could not say that the clause had indeed done all which he could have desired, but it did much more than he had ever expected. This and another clause which the noble and learned lord had introduced, had effected an improvement so material in the bill, that he did not deny that the measure would operate a very considerable improvement in the law of the country. He therefore should for one say, "content" to the motion for passing the bill.

The clause was then read, and the bill passed.

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## HOUSE OF COMMONS.

*Monday, December* 13.

Breach of Privilege—Complaint against a Pamphlet intituled "A Trifling Mistake," &c.] Mr. Courtenay having moved the order of the day, the House proceeded to take into consideration the complaint, which upon Friday, was made to the House of a printed pamphlet, intituled, A "Trifling Mistake in Lord Erskine's recent Preface."

Mr. *Ellice* immediately rose, and said, that in order to save the time of the House, and that no unmerited punishment might fall upon the publisher of the pamphlet in question, he had been instructed by its author to avow his name, and to add, that he would readily obey any order of the House requiring his attendance. The author was a particular friend of his, and his name was John Cam Hobhouse.

Mr. *Courtenay* did not wish to give unnecessary trouble, but he apprehended that what had already occurred on a former day would impose upon the House the necessity of having the publisher brought to the bar: an order had been made for the attendance of Robert Stodart, and he felt it right, therefore, to move that he be examined, although unquestionably what had fallen from the hon. gentleman, afforded the House sufficient knowledge of the author of the libel.

The order of the day was then read, and the Speaker inquired whether Robert Stodart was in attendance. The Serjeant at Arms reported in the affirmative, and it was ordered that he should be called in. He was put to the bar accordingly, and interrogated by the Speaker.

What is your name?—Robert Stodart.

Look at that pamphlet, and state whether it was published by you?—It was.

Do you know the author?—I do.

State at length the names of Mr. Hobhouse; his christian as well as surname.—John Cam Hobhouse.—The witness was then ordered to withdraw.

Mr. *Courtenay* observed, that after what had passed, it was undoubtedly not consistent with his view of the case to visit the printer or publisher of the libel with any punishment. It was the duty of the House to take notice of such a publication, and the gentleman who was the author of it had avowed himself. He would move, therefore, in the first instance, that Robert Stodart be discharged, and next, that Mr. John Cam Hobhouse be ordered to attend.

Mr. *Ellice* said, that Mr. Hobhouse was not in town at the present moment; he was in the country with his father, who was ill, but he would readily attend if an order were made out for that purpose: he would be able to attend tomorrow.

Mr. *Courtenay* was desirous that every

reasonable accommodation should be afforded to the individual: he had been made acquainted with the domestic call made upon Mr. Hobhouse, and it would be sufficient if he could attend to-morrow. He moved accordingly to that effect.

Mr. *Tierney* wished the hon. member just to state the purpose he had in view in requiring the attendance of Mr. Hobhouse.

The *Speaker* apprehended that the hon. mover was mistaken in the situation in which the publisher was placed: Robert Stodart was not in custody, as he had only been ordered to attend the House to-day. As to the necessity of the attendance of Mr. Hobhouse himself, if it had depended merely upon the information of the publisher, it would be fit, according to all the precedents, that Mr. Hobhouse himself should be called before the House, that he might, if he were able, disprove the assertion, and show that he was not the author of the libel. Here, however, a declaration had been made through an hon. member by Mr. Hobhouse, admitting that he was the author, and it seemed therefore unnecessary that he should be called upon to attend at the bar. Such was the ordinary course of proceeding; but, in the particular case, the House would judge for itself.

Mr. *Courtenay* thanked the chair for the information supplied. As it now appeared, from the highest authority, that after an avowal of the author, such as had been made, it was not necessary that the House should order his attendance; the course he had to pursue was extremely plain and simple. He would, therefore, advert very shortly to the nature of the offence that had been committed, and to the manner in which he conceived it ought to be visited. He hoped the view he had taken of the subject would meet with the general feeling and concurrence of the House. He had no difficulty in stating, that it had been a matter of very anxious consideration with him how to make up his mind as to the particular mode in which the House ought to punish an offence of this kind. He could assure the House, that he had consulted with his hon. friend opposite (Mr. Wynn), and after the fullest inquiry, he was persuaded, that the question would not be met properly if the House did not proceed to take the punishment into its own hands, by ordering the commitment of the offender. He would not waste the time of the House by arguing upon the existence of the right of commitment, which all honourable members, with a single exception, admitted [Hear.] He would, however, for his own satisfaction, and perhaps for the satisfaction of the House, or of those members who had not given the subject the same degree of attention that he had bestowed upon it, read a single passage from the report of a committee appointed to examine the question, and the result of whose labours was most conclusive: the report was terminated as follows:—"This power is in truth part of the fundamental law of parliament: the law of parliament is the law of the land—part of the *lex terræ* mentioned in Magna Charta, where it is declared that no freeman shall be taken or imprisoned but by the judgment of his peers, or by the law of the land, and is as much within the meaning of those words, the law of the land, as the universally acknowledged power of commitment for contempt by courts of justice in Westminster-hall, which courts have a summary power of punishing the offender. Your committee are, therefore, of opinion, that this power is founded on the clearest principles of right, is proved by immemorial usage, and is recognized and sanctioned by the highest legal authorities; that it grew up with our constitution; that it is established and confirmed as clearly and incontrovertibly as any part of the law of the land, and is one of the most important safe-guards of the rights and liberties of the people." This decision of the committee had been confirmed by the opinions of individuals entitled to the utmost weight, and who were some of the firmest friends of the liberty of the press, and of the constitutional rights of the people. He would not fatigue the House by going through them, but he would just advert to the manner in which Mr. Fox had expressed himself on this subject: he had said that it never could be intended that an offender should escape with impunity; and with regard to ordering a prosecution to be commenced by the attorney-general, his words were—"It does not appear to me that this is the just mode of proceeding in cases of this nature: courts of justice have never, or at least very seldom, adopted the practice of ordering prosecutions for contempt; and, therefore, if a libel be written against the House of Commons, the author ought more properly to be

punished by the House; and it is by no means advisable to send it to such a mode of trial as has been alluded to." Mr. Fox was quite clear that the offence resembled contempts of court; and that, as such, it ought to be punished by the House. It was impossible that the case on which the above opinion was given, or, indeed, any that could be pointed out in the history of parliament could be so strong as that which was under consideration: it was not a constructive, but an actual contempt of the House; and no doubt, he believed, would be entertained of the absolute necessity of committing the offender. As to libels attacking the government of the country, and incidentally touching either branch of the legislature, he could make great allowance for the irritated feelings of distressed mechanics suffering under temporary pressure; he could make great allowance for the editor of a daily paper, who in the hurry of business had allowed a paragraph to appear to which, in his cooler moments he would be loth to give publicity; but he could hardly make any allowance for the deliberate act of an individual, who had ventured to give currency and general circulation to sentiments like those contained in the pamphlet now before the House, and who could scarcely, without the greatest remorse, he should suppose, have contemplated the consequences that might have followed the incitement he had thus given to the ignorant. [Hear.] He did not wish to press the case at all beyond what the House might fairly think it would bear; for his object only was to carry into effect the general feeling of those who heard him. If the majority of honourable members differed from him, which he did not believe, as to the course of punishment he ought to suggest, he would willingly acquiesce in any amendment. He had stated his own view of the question, as he conceived his duty required, and he should conclude, in order to lay a foundation for future proceedings, by calling upon the House to pass a resolution, expressive of the character which, in his opinion, belonged to the publication he had brought before it. He then moved "that the said pamphlet is a scandalous libel, containing matter calculated to inflame the people into acts of violence against the legislature, and against this House in particular; and that it is a high contempt of the privileges and constitutional authority of the House."

The question was then put upon the resolution, and it was carried, the voice of Sir F. Burdett only being heard in the negative. Mr. Courtenay also moved, "That John Cam Hobhouse, esq., having acknowledged himself to be the author of the said pamphlet, has been guilty of an high contempt of the privileges and of the constitutional authority of the House."—This resolution was carried as the former, sir F. Burdett persisting in his dissent.

Mr. *Courtenay* then observed, that some particular circumstances had been stated to him, that made it desirable at the present moment not to decide upon the ultimate place of punishment, whether it should or should not be Newgate. He apprehended that the proper motion would now be, that Mr. Hobhouse be committed to the custody of the serjeant-at-arms, and it could subsequently be determined whether it would be fit to send him to Newgate or elsewhere.

Mr. *Brougham* said, that before the question was put, he wished to be informed of the necessity under the circumstances for the previous and intermediate punishment. The hon. gentleman was no doubt aware of the consequences of such a proceeding, namely, that the individual must be brought to the bar, besides being exposed to the inconvenience of having heavy fees to pay. At any rate, the circumstances mentioned by his hon. friend (Mr. Ellice) would be enough to warrant the House in sending Mr. Hobhouse to Newgate to-morrow, or to whatever other place of confinement the House might think expedient. It had been stated by the hon. member for Coventry, that the individual in question had left town to perform an office of filial piety—to visit his father, who who was in a dangerous state of health, as it was of consequence that he should see him before he submitted to the punishment the House might determine to inflict. He did not mean to say any thing against the mode of proceeding recommended; on the contrary, it was the only way in which the House could properly proceed on a question of this kind [Hear, hear!]. For one, he should always protest against that anomalous process of sending a question of parliamentary privilege to be tried by any other court than itself [Hear, hear!]. He was decidedly in favour of the more immediate and direct course; and however grave the offence might be, the House he was sure would not inflict a double punishment, or at-

scope to deprive the person accused of the means of visiting and conferring with his father.

Mr. *Courtenay* immediately rose and stated, that he had never been more surprised than by what he had just heard.—Unquestionably he had been prepared to make the ordinary and regular motion for the commitment of Mr. Hobhouse to Newgate; but an hon. friend of his and of Mr. Hobhouse (Mr. Ellice), had previously stated some circumstances which made him particularly wish that the previous and intermediate course, now reprobated, should be pursued for the convenience of the offender. In return for this anxiety to accommodate, he had been treated with the tirade just delivered, imputing to him an intention to aggravate the punishment: he was convinced that the House would acquit him of any such purpose [Hear!]. He was now left, therefore, without any alternative; he must make his first motion for commitment to Newgate; though if any amendment were offered for changing the place of confinement, he should be happy to acquiesce on the statement of sufficient grounds. He then moved, "That John Cam Hobhouse, esq., be for his said offence, committed to his majesty's gaol of Newgate."

Mr. *Brougham* added, in explanation, that he found it difficult to conceive how any other man but the hon. member opposite, and the hon. gentleman who had made the suggestion, could think that it would be Mr. Hobhouse's wish to be taken into custody forthwith, that he might thus be exposed to two sorts of punishment.—He was not to be blamed for supposing that it must be the wish of the party accused that the ordinary course should be adopted, though if Mr. Hobhouse really was desirous of being taken into the custody of the sergeant-at-arms, he could have no possible objection.

Mr. *Ellice* observed, that before he came down to the House he had seen Mr. Hobhouse, who was anxious to make a frank avowal that he was the author of the pamphlet, both to save the time of the House and to prevent the punishment of any other person but himself. Knowing pretty accurately what the consequences of such an acknowledgment would be, he had felt it his duty, feeling a very warm friendship for Mr. Hobhouse, to inquire into the state of the place where it was most likely it would be ordered that the offender should be confined, and he found that it would be almost impossible for Mr. Hobhouse to be received in Newgate, unless he were to be put into the same room with a convicted felon. The House would, therefore, see his reason for wishing that in the first instance Mr. Hobhouse should be placed in the charge of the serjeant-at-arms. He did not suppose that on this account he would be exposed to any additional punishment, by fine or fees; and it was at his instance that the hon. member had moved for the intermediate commitment which would require the attendance of Mr. Hobhouse to-morrow. If blame was imputable to any body, he must certainly remove it from the shoulders of the hon. member who had made the motion.

Mr. *Wynn* could not help thinking that some difficulty might arise in point of regularity of proceeding; he did not see how the motion, that Mr. Hobhouse be sent to Newgate in the first instance, could be executed without a commitment to the custody of the sergeant-at-arms.—The only persons who could take him were the serjeant-at-arms or his deputy, who were the officers of the House. There were, undoubtedly, cases where the order of commitment to the serjeant-at-arms was not preceded by an order of commitment to Newgate, but then the party had been summoned to appear at the bar, and was actually in the possession of the House. Unless a previous motion for commitment to the serjeant were made, he did not see how Mr. Hobhouse was to get to Newgate, unless, which was not to be expected, he should voluntarily go to the keeper of the prison, requiring to be put into a place of security. He therefore thought that the original motion was the proper one; but he did not on that ground apprehend that the necessary consequence would be that he should be brought to the bar. The course would be that at the next, or the next sitting but one, the serjeant at arms should report that he had taken Mr. Hobhouse into custody, and then would follow an order for his commitment to Newgate. Of this, repeated instances might be pointed out; but one of the most recent was that of general Clavering, who had been guilty of prevarication, and the serjeant was directed to take him into custody. The serjeant reported that he had obeyed the order, and a vote was passed immediately that he should be committed to Newgate.

The *Speaker* thought it necessary to say a few words in point of form. In many

instances where the ulterior destination had been Newgate, a previous order had been made for committing the offender to the custody of the serjeant: other cases could be shown where a direct order had been given that the party be committed to Newgate. He apprehended that the difficulty suggested was not the reason which led to the double motion; the reason was, where the individual so ordered to be taken was not known, or where it could not be ascertained whether he could be found—for it was first necessary to find him, before the order could be executed: if he were known, and his address, no such difficulty could arise, and the order for sending him to Newgate was followed up by a direction to the speaker to issue his warrants, one of them to the serjeant-at-arms to take the offender, and the other to the gaoler of Newgate, or of any other person determined upon to receive him and detain him. Thus much he could assert with confidence, that instances enough could be found to support the regularity of the proceeding now suggested.

Sir *C. Burrell* observed, that the gaoler could have no power to take a prisoner unless delivered with a proper warrant.—It appeared that the gentleman must go and deliver himself up. [No, no.]

The *Speaker* interposed, and again explained what he had before stated regarding the issue of his two warrants. The warrants were entrusted to the serjeant-at-arms, as the officer of the House, and on delivery of one of them to the gaoler, any refusal to receive and detain would be treated by the House instantaneously as a gross contempt of its order.

Sir *C. Burrell* continued, that he was happy to have been set right, and he would make but one further observation. An hon. gentleman had stated, that he had visited Newgate, and found that Mr. Hobhouse, if confined there, must be placed with common felons. Would the House, then, commit the party to a gaol where he must be exposed to such a situation? [Hear!] In common kindness therefore, time for further consideration ought to be allowed; and for this purpose he would move as an amendment, "That Mr. Hobhouse be taken into the custody of the serjeant-at-arms."

The amendment having been seconded, the question was put upon it.

Mr. *Courtenay* said, that this amendment exactly brought back the question to what he had himself suggested. He had been actuated precisely by the same feeling that had influenced the hon. baronet, and it was his anxious desire not to subject Mr. Hobhouse to confinement in a place wholly unfit for the purpose the House had in view.

Sir *C. Burrell* added, that his object merely was to afford the House time to deliberate as to the most proper place of confinement.

Mr. *Courtenay* said, that if Mr. Hobhouse were first taken into the custody of the serjeant-at-arms, that object would be accomplished, and he did not conceive that it would be any intermediate punishment.

Mr. Alderman *Wood* said, that the state of the gaol of Newgate was at present such that the House would not think it right to commit to it any gentleman of respectability for an offence of this kind. At present there were not less than 300 prisoners within the walls, and it was not possible to give Mr. Hobhouse a separate apartment. He had however no hesitation in saying, that accommodation might be afforded, although perhaps he was not exactly at liberty to say where, but in a situation which all the law-officers of the crown admitted was legally within the walls. Of course, time must be allowed to make the necessary arrangements, and at most, a day or two might be required for that purpose.

Mr. *R. Martin*, although he would be the last man to propose any aggravation of punishment, yet having attended when persons had been committed for similar offences, he saw no reason why the House should be more lenient or considerate of the individual now before it, unless it was because he was infinitely richer or better informed. If the House proceeded in the manner now suggested with Mr. Hobhouse, it might be imputed that it was afraid to deal with him as it had dealt with others. If the prison of Newgate was in the condition represented, was not that a reason for not sending thither other persons who had, notwithstanding, been committed to that prison? If Mr. Hobhouse, after having been confined there, should complain that his health was injured by the mode and place of imprisonment, that application ought to receive attention. He would infinitely rather adopt a resolution that the attorney-general should be directed to prosecute, than, in times like the present, proceed in the manner recommended, and for such unsatisfactory reasons as had been alleged.

Sir *F. Burdett* rose amidst cries of "Question," and proceeded to make some observations in support of the matter contained in the pamphlet, when he was interrupted by

The *Speaker*, who said, he was quite satisfied, that, on a little reflection, the hon. baronet would perceive the course he was taking was not the proper one, since it impeached the opinion of the House at large.

Sir *F. Burdett* said, the plain and intelligible mode was that which he wished to adopt—a mode that would enable him to express his opinion on the whole of the matter under consideration. The present, as it appeared to him, was an unusually hard case. In the first place, he did not think the House had given sufficient attention to the publication which they had been called on to vote a breach of their privileges. He had read the pamphlet since it had been taken notice of by the House, and, however gross the language might be—language which he certainly did not mean to defend—he denied that any such intention, as that which was imputed to him, existed in the mind of the writer, namely, the desire of exciting a strong popular feeling, which might break out into acts of force and violence against the members of that House. It was the opinion of the writer, and that opinion he had freely expressed, that this House did not possess legitimate authority; that it was not alone supported, as it should be, by the affection and respect of the people, but by means of practices the most corrupt and objectionable.

Lord *Castlereagh* rose to order. He put it to the Speaker, whether the hon. baronet could regularly proceed in this course of argument? He apprehended that it was not competent to the hon. baronet to state his sentiments on the nature of the publication. He might have discussed that question when the resolution defining the nature of the publication was before the House; but that period having gone by, the hon. baronet was not now at liberty to address himself to that part of the question. The point immediately under consideration was the place of commitment to which the author of the publication was to be sent; and, in discussing that question, the hon. baronet could not go into a general statement of the nature of the libel.

Mr. *Brougham* said, it was now undoubtedly too late for his hon. friend to go into the question of libel or no libel. He ought to have argued that question before, when the declaratory resolution was proposed. But it appeared to him, that though they had pronounced this publication to be a libel, still, when the question of the *quantum* of punishment came to be considered, it was competent for his hon. friend to urge every matter that went to the extenuation of that punishment. He must admit, on the one hand, that it was a libel; it was too late to assert the contrary, since the House had so decided; but, on the other hand, he was at liberty to say every thing short of that. His hon. friend stood in the situation of a person in a court of law speaking in mitigation of punishment, and advancing all the favourable topics which he could recollect.

Sir *F. Burdett* said, he was going to prove that the House had no right to decide in this case. It was evident, however, that there was no great inclination to hear him. This was the justice administered by Rhadamanthus—or rather worse: for Rhadamanthus punished first, and heard afterwards; but the House awarded punishment, and would not hear at all [Order, order!]. He objected entirely to the motion, which he did not the more approve of, because it had the sanction of the noble lord opposite. The punishment arising out of so strange and extraordinary a trial ought to be viewed with the most scrupulous jealousy, and the House ought to hear every thing in favour of the accused party. It was one very strong ground of extenuation, that other persons were suffered to go at large, and to commit with impunity breaches of the privileges of that House, without animadversion from any quarter whatsoever. In proof of this, he would read a passage from a newspaper which he held in his hand—a print connected with that part of the press which was more immediately under the control of government—which, he contended, presented a more unjust, a more mischievous, a more improper comment on the conduct of the members of that House, than any thing contained in the book which had been brought under their consideration. He held in his hand "The Morning Post" of Friday last, from which he would read an extract.

Mr. *Wynn* rose to order. He submitted whether it was not impossible, consistently with the usage of the House, to superadd, on one breach of privilege,

another of a grosser character? When the breach of privilege which at present occupied the House was heard and disposed of, the hon. baronet might proceed to call their attention to any similar case. He objected to the reading of any newspaper for such a purpose as the hon. baronet had stated. It was, he apprehended, distinctly contrary to the orders and regulations of that House, to read, in mitigation of the sentence which that House was about to pronounce on one who had been convicted of a high breach of privilege, another breach of privilege of a more offensive nature. The newspaper, he contended, could not be read in that House for any other purpose but to complain of it as containing a breach of privilege.

Sir *F. Burdett* said, notwithstanding all that had fallen from the hon. and learned gentleman, he was not aware that he was out of order in the course he was pursuing. Considering different cases of this nature, it did appear to him that a very strong ground of extenuation was made out, when it was proved that impunity was extended to some, while punishment was awarded to others, for the like offence. He should be placed in a very awkward situation—his mouth would be completely stopped, if the House adopted the principle laid down by the hon. and learned gentleman. In that case, he should be placed in this predicament, that he could not read an extract from the paper to which he had alluded, because he did not mean to complain of any breach of privilege. Indeed, he held that the writing then under consideration was not a breach of the privilege of that House [Hear, hear!]. For the fair and necessary privileges and regulations of the House of Commons no man was more willing to stand up; but that which was complained of was a mere constructive breach of privilege. Interrupting the proceedings of that House, interfering with its officers, or preventing the execution of a process emanating from it—these he considered breaches of privilege; but the present was a wholly different question. He should now proceed to read an extract from "The Morning Post," which was couched in these terms:—"In the House of Commons last night, Mr. Bennett brought forward his promised motion, ostensibly for an inquiry into the present state of the manufacturing districts, but really for the promotion of party and mischievous views."

Mr. *Bankes* rose to order. He submitted that it was impossible for the hon. baronet or any other gentleman, to be allowed to read a paper of that kind within the walls of the House of Commons.

The Speaker and Mr. Brougham rose at the same moment, and the latter gentleman seeming determined to deliver his sentiments, the Speaker gave way.

Mr. *Brougham* said, they all knew that no individual bowed to the sentiments delivered from the chair with greater reverence, on this and every other important and delicate question, than he did. He could not, however, so far abdicate his functions, as a member of that House, as not to throw out what occurred to him, on this occasion, before that decision was pronounced, which, coming from the chair, would of course be final. He meant no disrespect when he said, that, in his opinion, the hon. and learned gentleman had been a little hasty in forming his judgment on this question. It had always been allowed to introduce the notoriety of publications of this nature as a proper topic to be advanced in extenuation of punishment. As a proof of this, he called on the House to look to the case of Mr. Reeves; but more particularly to examine the view which Mr. Pitt took of another breach of privilege, which was one of the latest that occurred before the present administration came into power. It would be found, he believed, that the printer of a newspaper called "The True Briton" was brought to the bar of the House, for publishing reflections on the impeachment of lord Melville. The notoriety of the fact, that many observations of a similar kind had been published with impunity, was justly viewed by the House as matter of extenuation, and the printer was dismissed with a reprimand. If there was any impropriety in reading the passage to which the hon. baronet adverted, there was an equal impropriety in reading the pamphlet which had been complained of. Then, why did they not, on a former night, stop the hon. member for Yorkshire, when he read the pamphlet, without meaning to found any motion on it? He asked this, because there was no rule with respect to a newspaper that would not apply with equal force to a pamphlet. The hon. member for Yorkshire read a pamphlet without molestation. No one called him to order; no one exclaimed, "Down with your pamphlet?" and it was not till the reading was over, till the

debate (a part of the matter of that pamphlet having been used as an argument in the course of it, and having, for aught he knew, influenced the decision which the House came to)—then, for the first time, was the hon. member for Yorkshire requested to inform the House, whether he intended to make that pamphlet the ground of complaint for a breach of privilege. No one stopped him, no one suggested the propriety of interrupting him, as he proceeded reading various extracts from the publication [Hear!]. It appeared to him, that what was justice and reason in one case, must also be justice and reason in another. With that feeling he could see no reason whatsoever for preventing the hon. baronet from reading the passage to which he wished to draw their attention.

Mr. *Bankes* said, it was for the House to proceed according to its regular and established practice. He recollected, generally, the debate to which the hon. and learned member alluded, and, he believed the House decided not on any particular instance, such as the hon. baronet wished to introduce, but on the general notoriety of the fact, that libellous or disrespectful matter, treating that House with contempt, had been suffered to pass with impunity. If the hon. baronet pleased to take that line of argument, generally, he thought he had a right to do so. All that he and his learned friend objected to was the reading a paragraph out of a newspaper, the very first word of which constituted a breach of the privilege of that House. The hon. baronet could not do this unless he meant to found a complaint on it. The distinction was clear between proceeding in a general line of argument, and adverting to a particular paragraph, which, he repeated, could not be introduced except for the purpose of making a formal complaint.

The *Speaker* said, that the House would perhaps excuse him for endeavouring, under their judgment and correction, to state what occurred to him with respect to the two principles that had been alluded to, and the ordinary course of proceeding in debates of this nature. He took it to be quite clear, that the House having decided that an offence was committed, and that that offence was a breach of their privileges, it was too late now to advance any argument to disprove the correctness of the decision. But he thought it was equally clear, when the question before the House was the *quantum* of punishment with which the offence should be visited, that it was open to any hon. gentleman to state that which, in his opinion, might be adduced in favour of lightening the punishment. The House would, he believed, go thus far with him. But the House must be aware, that to say matter might be urged in extenuation, was a very wide expression, and it was desirable that such vague terms should be defined. What occurred to his mind with respect to reading any paper (for he confessed he saw no difference between quoting a pamphlet and a newspaper), was, that the reading of words stronger and more offensive than those which had been adjudged libel by the House, could not be done for the purpose of extenuation, but only where the person introducing them meant to advance them as a breach of privilege [Hear!]. He thought, if any honourable member brought forward that which he conceived to be a breach of privilege, he was bound to do so for the purpose of preferring a complaint, and not otherwise. He did not know whether he had made himself intelligible, but he would endeavour to explain his meaning fully. It did appear to him that the line of argument adopted by the hon. baronet would have stood in a very different situation, if it had been urged before the House had found the publication complained of to be a libel, and not subsequently to that decision; because it would have been open for him to have stated, that certain words, which he could produce, were stronger than those which had been brought under the consideration of the House; he might then go on to prove, that those stronger words did not constitute a libel, and consequently, that the weaker were not libellous. But the House having decided, it was not competent for any gentleman to argue that the publication was not a libel. Therefore, if this paragraph were read at all in extenuation, it could only be urged, as not being a libel, because if it were, no member could state it, unless he meant to make a complaint. If it were adduced as not libellous, it evidently would not bear on the question, because the House had already decided, that the publication to which their attention had been called, was a libel. If he were right in this position, he felt that the adducing any quotations, and stating them to contain libels of a grosser nature than that complained of, was liable to two objections—1st, because

they would not be applicable to the point of libel or not libel, because that point had already been decided by the House; and next, they were not applicable generally, because *non constat*, if those quotations had been brought before the House, that they would be deemed libels. Having said this, he begged to observe, that it was matter of importance, for the character of the House, that hon. members should feel, individually, a desire not to stretch to any excess those privileges, which were given, not for the purpose of working injustice and injury, but in order to produce great public benefit.

Mr. *Wynn* wished to know, whether it was not ordained amongst the first orders of that House that no member whatsoever should be at liberty to read any printed paper, except with the permission of the House, unless he meant to make a complaint? If that was not amongst the orders of the House, he had only to state that he had heard it so laid down, and acquiesced in, by very competent authorities many years ago.

The *Speaker* said, he was very much mistaken if any thing that had fallen from him tended to invalidate the statement of the hon. and learned gentleman. But he certainly could not draw any distinction between one sort of publication and another. The order, as it was stated by the hon. and learned gentleman, was quite correct. But, in the ordinary course of debate, nothing was more common than to read extracts from papers as part of a speech. The practice and order of the House were perfectly consistent with each other. The practice was for general convenience; the order was to prevent it from being carried to abuse. The strict order, if he were called on for his opinion, did, he believed, prohibit the reading of extracts from any publication.

Mr. *Stuart Wortley* said, in answer to what had fallen from Mr. Brougham, that the material difference between the proceeding adopted by him, and that pursued by the hon. baronet, appeared to be, that, though he (Mr. Wortley) did not found on the publication he quoted a complaint of a breach of the privileges of the House; he animadverted on it as an improper publication; whilst the hon. baronet stated as a reason for his quotation, that though the publication before the House was a libel, he could produce still greater libels which had not been punished. This, was contrary to the practice of the House.

Sir *F. Burdett* said, he thought it was his duty to take the line he had done, although unsuccessfully. He perceived it was very useless to oppose the motion then before the House. He would not, therefore, trouble them farther on this occasion; but when at a future time the question came before them, whether this gentleman should or should not be committed to Newgate, he would then state his opinion at length.

The *Speaker*. That is the question now before the House.

Sir *C. Burrell* said, as it appeared that the sense of the House was against his amendment, he was unwilling to press it. [Cries of "No, no."]

The House then divided on the question, "That the words proposed to be left out, namely, "his majesty's gaol of Newgate," remain part of the question. For the motion, 198: Against it, 65; Majority, 133.

On our re-admission to the gallery, we found lord Nugent on his legs. He was suggesting the propriety of sending Mr. Hobhouse to some other prison, in consequence of what had been said with respect to the crowded state of Newgate.

The *Speaker* said, the question just decided in the affirmative was, whether particular words should stand part of the question or not? Amongst these, was found the word, "Newgate." As it had been decided that it should stand part of the question, it could not be altered by any amendment. An alteration could alone be effected by negativing the whole motion. The main question which he had now to put was—"That John Cam Hobhouse, Esq., be for his said offence, committed to his majesty's gaol of Newgate."

This motion was agreed to without a division. Mr. Courtenay then moved, "That the Speaker do issue his warrant accordingly."—Agreed to.

Southwark Petition respecting the Measures for preserving Public Tranquillity.] Mr. *C. Calvert* rose to present a petition against the coercive measures now in progress through parliament, from the inhabitant householders of the borough of Southwark. It was signed by 900 individuals out of 6,000, and would have received many more signatures if a longer time had been allowed. Indeed, many persons applied to

sign it after it had been placed in his hands. Not having had an opportunity of delivering his sentiments on several late occasions, (a circumstance easily accounted for, when they considered that the House consisted of 658 members, some of whom were not content with speaking once on the same subject), he would now take the opportunity of expressing his opinion on recent events. He viewed with abhorrence the affair that took place at Manchester, and he thought the measures proposed by ministers were rigorous in the extreme, and at the same time unnecessary. If that meeting, large as it was said to be, could be dispersed in a few minutes; if a body of from 50,000 to 70,000 persons, as they had been described, were dispersed, under the existing laws, in a quarter of an hour, he would ask, where was the necessity for enacting severe measures? What was the course government ought to pursue? If he did not receive an answer, he would give an answer himself. They ought to act, not with vigour, but with clemency. A little more allowance ought to be made for the distresses of the manufacturers, all of whom ought not to be looked on as radical reformers.

Sir *R. Wilson* said, the petition was signed by a number of persons, who, whilst they were friends to peace and good order, were, at the same time, lovers of the law and constitution. Whatever sacrifices might be called for, they were determined to defend that constitution which gave to Lords and Commons their power, and also to the people the legitimate source of that power, their sacred and inalienable rights. The people saw, in the bills now before the House, a new revolution in the frame of government—powers calculated to abolish their rights, to endanger their safety, and to outrage the feelings, and even the decencies of society. They saw a code, possessing all the characteristics of that despotism which some persons thought necessary for the proper government of man, but which, he thanked God, never had prevailed, and he hoped never would prevail, in this country. They saw, in three of those measures, a spirit foreign to British legislation. In the Libel bill they perceived a determination, not to remove the reasons which gave rise to sedition, but to fix an enormous penalty on the vague and undefined offence of libel. In another bill, they saw a power to abolish the right of meeting when and where the people pleased, for the purpose of discusing their grievances. Lastly, they deplored those domiciliary visits, which no just plan of government ever tolerated, which formed the most atrocious features of the reign of terror, and which were never introduced into any country without causing the most melancholy effects. He trusted his hon. friend the member for Cork who would that night make his motion to exclude Ireland from the operation of the bill, would state some of the abuses which were perpetrated in that unhappy country when a similar bill was in force there. Heretofore, the maxim was "That an Englishman's house was his castle;" the elements might whistle round it—the elements might enter it—but the king could not, and dare not. What would be the fact, after the passing of this bill? On mere suspicion, an officer might force a man's bolts; he might break his rest, and expose every female in his family to the rude gaze, indecent violence, and brutal lust of nocturnal invaders. Whatever amendments might accompany this bill, he never would submit to have the peace of his family interrupted by such nocturnal violence. The petitioners hoped that ministers would be declared unworthy the confidence of the Prince Regent for their conduct; but, if that House gave them its confidence, they had two consolations; first, that the fetters which were forged for them would fret, chafe, and gall the people, so that they never would be reconciled to them; and next, that the effect must be a great and successful stand against the duration of such measures.

Ordered to be printed.

SEDITIOUS MEETINGS PREVENTION BILL.] Lord Castlereagh moved the order of the day for the third reading of this bill.

Lord *Archibald Hamilton* said, it had not originally been his intention to address the House upon this subject, but as he was about to vote for this measure, and as he never gave a vote with so much reluctance, he was desirous of offering a few words in explanation. He was sure that it must be obvious to many honourable members, that he was not likely to entertain an opinion upon any great public question different from that of his honourable friends near him without painful

sensations, and without the utmost diffidence. It gave him, indeed, sincere regeret that this difference should occur, with regard to a point affecting the general liberties of the country. His own particular impression was formed, however, upon facts and circumstances which had come within his knowledge. The principle as to the subject's right to meet and discuss public grievances, he fully admitted; but it was the notorious abuse of this right, and the exercise of it in such a manner as to invade the rights of others, that made it necessary for the legislature to interfere and to bring that right itself into question. The vote, however, which he should give in support of this measure did not incline him to view with less regard all the other rights and liberties of the people. To him, indeed, it appeared that this very right itself would be more permanently upheld by a temporary suspension. He wished that the time of suspension might be short, and he had already voted for the period of three years rather than that of five; but he was convinced, that to suspend the right at this moment, and in the present state of men's minds, was the best guarantee that could be adopted for its future security. It was more particularly necessary, perhaps, in that part of the country with which he was connected. But he did not on this account acquiesce in those measures which were brought forward, or confide in those representations as to what had occurred in other places, and upon which representations alone these measures were defended by his majesty's ministers. He was sorry that the House had refused to inquire into the lamentable occurrences at Manchester, where, his opinion was, that the rights of the subject had been seriously invaded. After all the discussion which it had undergone, the question remained precisely where it was when parliament assembled. Whether the meeting at Manchester was or was not a legal meeting, might admit of controversy; but there could be no doubt as to the illegality of its dispersion. He did not therefore assent to any of the proceedings which the House had taken relative to that transaction and with respect to the late motion for an inquiry into the distress which now prevailed in the manufacturing districts, he conceived that the House would have done itself credit by acceding to it. For his own part he might fairly say, that he had given the motion his support without any reference to political or party questions. If he had seen more than his hon. friends to justify him in voting for some coercion, he had also, perhaps seen more of severe and grinding distress. Whilst he acted, therefore, on this occasion in opposition to the sentiments of those with whom he was accustomed to agree and to co-operate, he wished it to be understood that it arose from no general difference of opinion, nor from any approbation of the general conduct of his majesty's ministers. If the influence of his hon. friends over his mind could have induced him to sacrifice his own view of this subject, still it would have been due to the county which he had the honour to represent, to state that its opinion was widely different. His principal object in now rising was, to guard himself from being implicated by any of those suppositions to which he had alluded, and to state the peculiar ground on which he voted for the present bill. He was sensible of the various objections to which it was liable, but in the actual state of the manufacturing districts, he could see no alternative.

Mr. *Hutchinson* said, he could not, with the noble lord who had just sat down, consider it to be his duty to support the bill before the House. His noble friend, no doubt, acted from the best motives; it was impossible from his high character to doubt the rectitude of his intention; but having taken quite a different view of the question, he had no hesitation in opposing the third reading of this obnoxious bill, with the intention, should he fail in preventing this, of moving the clause as to the exemption, of Ireland.—This bill he considered as forming the main pillar of that code of pains, penalties, and coercion, which the noble secretary for foreign affairs and his colleagues now introduced, in direct hostility to the whole system of the British constitution, though in direct accordance with the plan formed by ministers for a long series of years, which had in view the destruction of the liberties of mankind. It was in order to register his abhorrence of this system of tyranny, that he was urged to rise on the present occasion. The hostile disposition of the noble lord and his colleagues to the first principles of freedom had been amply demonstrated in other countries, and what they had at-

tempted, and in some cases succeeded in, abroad they were now resolved to establish at home. They and those whose political principles it had been their boast implicitly to follow, had, with a very short interruption, governed the empire for upwards of half a century, in which period, deaf to the voice of reason, they had attempted to enslave the western hemisphere happily without success—had possessed themselves of the dominions of all the sovereigns of India presuming to dictate there to 100 millions of people.—They had erased Ireland from among the nations of the earth, and wherever they had found a people any where struggling for liberty, as in France 25 years ago, and now in the Spanish American provinces, they had invariably laboured to impede their success. With the cry of liberty perpetually in their mouths, in their hearts they felt nothing but the most deadly hatred to it.—They had carried on a twenty-five years war, as they said, in defence of rights and property, and against tyranny and oppression; but how little they had practised what they so loudly professed, their conduct every where had proved. They had betrayed several, and had consented to the spoliation of others, of the states of Europe, by which conduct they had lowered the name and tarnished the glory of England, rendering the policy of the British cabinet as much reprobated abroad, as the naval and military achievements of the empire had been generally and deservedly extolled; and now, with a shameless effrontery, and, as it were to complete their political career, they had turned upon the people of this formerly free country, after that this very people had, at their call, too, made the most extraordinary efforts and sacrifices, but whom these ministers now stigmatize as so many slaves and rebels, because, in the fifth year of peace, when suffering under a severity of taxation unknown in any other country and even not in this till lately, they had been, in some of the manufacturing districts, driven to acts of violence, and every where had become clamorous in their demands for protection from a system of extravagance and corruption, which had reduced them to the utmost misery.—But the principle of the measures before the House had been so ably argued, that he felt he could now only run the chance of weakening; what had been already urged with so much force in every point of view; he, therefore, had said only thus much, that he might have the satisfaction of publicly declaring and registering his entire dissent, and to answer the challenge of coming to "close quarters" with the noble lord and his colleagues, which he did, by accusing them, in the face of the country, of a systematic attempt, in conjunction with the ministers of other courts to annihilate liberty every where. As to danger he had no doubt the only danger really apprehended by the ministers, was, that of being unmasked, of losing their power. He was convinced they did not feel the panic which they were so anxious to create in the breasts of others; theirs was an apprehension of a different kind. He deprecated nothing so much as their continuance in office, being convinced that they would at last drive the people wild, and ruin the country. When he said this, he must add that he felt indifferent who succeeded to them, provided they did their duty. He was as averse as any man to countenance violence on the part of the people, however deeply he commiserated their sufferings, which he believed in many of the manufacturing districts, at least, to be very great indeed. This he had declared on a former night, but he would as anxiously endeavour to prevent the ministers and the crown from insulting and oppressing the people, whom they could not or would not relieve. On the subject of these bills he begged leave to add, that he did not consider ministers as having made out a sufficient case. The papers produced to the House contained no evidence to justify parliament in enacting this highly penal code. They had themselves acknowledged that they had not submitted the whole of the case, and at the same time refused farther inquiry, though the speech from the throne had promised "the necessary information." The evidence too, they had furnished themselves, and, in their own cause; *for they were a party accused before the public.* In that speech also, they had asserted what was not correct, namely, an increasing revenue, and that the difficulties of the country, which had given rise to these meetings (and which it was the object of these bills to restrain) were owing to temporary causes, and to the embarrassments of other states. That other states laboured under temporary difficulties, could not be denied; but that the national miseries were solely attributable to foreign causes, he could not admit. Ministers re-

minded the House, that, other nations were looking to their conduct. Let us (said Mr. H.) give them an example worthy of imitation an example of firmness! and integrity! They had talked of the French Revolution; had they themselves learned no useful lesson from that great event? They had talked of a revolutionary spirit in this country, by which they mean—opposition to their own system! and when they call for "loyalty to the throne," they thereby mean treason to the people! On the subject of the clause as to Ireland, which he should ask leave to bring up, should this bill be read a third time, he earnestly entreated the House to recollect the manner in which the noble lord, when he first proposed these measures, spoke of the tranquil state of Ireland; a state which, he said, he "hoped she would long enjoy, and which would not only diffuse comfort and happiness throughout the land, but would place the national character in a brighter light than that in which it had ever been contemplated."

The House could not but remember the pains taken, in moving the address to the throne, to impress upon it the alarming and disturbed state of several parts of Great Britain, especially the manufacturing districts;—the general anxiety which the events in these parts during the last few months had occasioned in the country—the attempts which had been made to undermine the principles of loyalty and good faith, and diffuse among particular classes principles of sedition and licentiousness,—the repeated meetings for reform. accompanied by symptoms of riot, nay rebellion;—that such meetings had been held even in the capital—that there existed a notoriously regular organization;—that thousands of men, had been seen marching in military array from two or more points, bearing flags with devices and inscriptions in order to attend such meetings;—that they had even gone the length of assembling at night to practise military training and exercise, to the great terror and alarm of the loyal, peaceable, and well-disposed of his majesty's subjects;—that this system had commenced in this country as early as 1816, The House would recollect further, that the speech from the throne, in closing the last session (1819) had stated, "that attempts had been made in the manufacturing districts to take advantage of circumstances of local distress to excite a spirit of disaffection." That the speech, on calling the parliament together *now*, assigned as the reason for their assembling at so unusual a period. "The increased activity, the seditious practices so long prevalent in some of the *manufacturing* districts, which had led to proceedings incompatible with the public tranquillity, and which, if not effectually checked must bring confusion and ruin on the nation." The noble lord (Castlereagh) in his speech in support of the address, declared that "such was the state of the country, that had ministers longer delayed convening parliament, they would have compromised their duty to the crown, and to the country; that it was not to be concealed that a deliberate conspiracy had been formed for overturning the government and that there prevailed in many places a disposition to second this design;" and almost in the same breath, he excepted Ireland from the charge of this conspiracy by asserting the tranquillity which prevailed there: while the minister for that country bore testimony to the peaceable disposition, the virtue and loyalty of the people; and the member for the university of Oxford had explained the meaning of the "awful and dangerous situation of the country," alluded to by ministers, by adverting to the nature and constitution of society in the *manufacturing districts*, which he stated as "a growing evil of twenty years." In addition to all this, many members from various parts of Great Britain had corroborated the statement of ministers, adding their own apprehensions for the safety of their families and property, and even requested the interference of government declaring their willingness to support the noble lord's measures. But what Irish members, asked Mr. H. have as yet come forward to demand these measures as necessary for the tranquillity and security of persons and property in Ireland? What tumultuary meetings have they stated to have been held there? What flags? what devices exhibited? What marching and training? What meetings dispersed? What leaders arrested? how many of the people maimed or killed? What magistrates accused of having actuated ferociously? What troops assembled, and where, to resist the machinations of the rebellious, protect the habitations of the loyal, and prevent the horrors of a civil war? What part of the evidence on the table applied to Ireland? She is not once mentioned or alluded to.

He had indeed in private been answered, when complaining of the extension of these bills to Ireland, "that they could add but little to the severity of her penal code, it being already so severe; and that so much of misery existed in that country, the laws could scarcely be too rigid there!" The House would recollect the weight the opinion of the member for the university of Dublin had had on a former debate, when he came forward to declare the law as to these meetings which had held in Great Britain. Mr. H. could been not conceal from the House his deep regret at the part which the right hon. member had taken, doubtless from a sense of duty; but he would be glad to hear his opinion as to the necessity of extending these bills, especially the present, to Ireland; would the right hon. gentleman state what those circumstances were which, in his opinion, could justify such extension? Would he, with the other Irish members who supported these bills, deny the correctness of the noble lord's assertion as to the "tranquillity" of that country? But if unfortunately that right hon. gentleman, and those from Ireland, who with him had supported ministers on this occasion, should be disposed to inflict these measures on their unhappy country, he should appeal from their apathy to the justice of the members for England, Wales, and Scotland—to their impartiality and enlightened wisdom, from which, at the period of the Union, the noble lord when advocating that measure, had solemnly and repeatedly assured the people of Ireland, that they might expect the most efficient support and protection against all conflicting and local interests, in their own country, which would, he assured them, be shielded against weakness, ignorance, corruption, and little passions when found operating among Irishmen to the detriment of Ireland. Mr. H. requested that the British members, whose attention and aid he earnestly solicited, would bear in mind the nature of the question he called upon them to assist him in. He did not wish them to do any thing by which any of their own rights or interests could be compromised, or injured in the least. There was no clashing or contrariety of interest here as between Ireland and Great Britain; but as they were about to legislate for Ireland, he called upon them to look at the evidence on the table, and to recollect the speeches they had heard during these debates, and then to pronounce whether one particle of it applied to Ireland, or whether she appeared implicated in the remotest degree in the disturbances, to quell which these bills had been framed? With regard to the Manchester proceedings, Ireland had observed, altogether the most perfect neutrality; there had not been an expression of sentiment any where in Ireland as to the event of the 16th of August, and this he stated without any feeling of national pride, but for the purpose of his present argument. Instead of presenting Ireland with these insulting bills, Mr. H. would be happy to see the noble lord evince a disposition to assist and relieve the distresses and miseries of his native soil, by proposing something calculated not to inflame and disgust, but to soothe and improve. Where, asked (Mr. H.) were the noble lord's plans for cultivating the Irish mountains, and for draining some of her bogs?—for relieving the poor from the oppression of tythes, at the same time protecting the Protestant clergy?—for emancipating the population and for "planting the peasantry in the soil," by at last giving them an interest therein?—for compelling the wealthy proprietor and great landholder from draining that country of its last shilling in order to expend it any where but there? Let the noble lord prove the sincerity of his attachment for his country in some such way as this, not in mere empty words, much less by such regular system of coercion and penalty, which he now presents to her, doubtless as a reward for the state of perfect "tranquillity," in which he has reported her to this House to be! Perhaps, said Mr. Hutchinson, the most novel and singular circumstance attending the sedebates, was, the conspicuous lead the Irish gentlemen had taken on the occasion. The member for the university of Dublin, one of the first legal characters in that country, had come over to declare the law, to strengthen and to shield the minister. The president of the board of control (Mr. Canning) also an Irishman, had exhausted all the powers of his extraordinary eloquence, in a three hours' speech, in order to guide or rather beguile the House into an adoption of these measures. The noble lord, the author of this notable system, himself an Irishman, seventy other Irish members, crowding the ranks of ministers, and making their victory decisive—a noble duke, the first, the great captain of the age, one of Erin's most favoured sons, covered with

honours and with glory, forming one of the cabinet where these measures were devised, and prepared no doubt to lead the armies of the empire, if necessary even against the people of Great Britain, should they in their despair and madness, unhappily be goaded on to violence and to mischief. One felt disposed, said Mr. Hutchinson, to ask whether this be revenge?—revenge for the injuries inflicted by Great Britain on that country for so many centuries?—whether it was the hand of Providence interfering to punish, through Irish agency, the sufferings of millions, though thus tardily? He asked whether those gentlemen he had mentioned, now wished to give chains to Great Britain, in return for the misery and desolation inflicted on their own country by the barbarous policy of British cabinets. No man in the House or in the country could be a more enthusiastic admirer of the noble duke to whom he had alluded than himself, nor was it now, when he was at the head of everything that he had, for the first time, declared in that House, the high opinion he entertained of his military achievements and his sense of the obligation he conceived the empire to be under to him for the ever-memorable and eminent services he had performed in war; but he confessed he would be well pleased to find that great captain prove himself

"In battle a roaring storm,
Mild as the setting sun in peace."

He confessed that the union of his countrymen, at this moment, and, for such a purpose, appeared to him as not a little ominous and strange. It had been said by one of these gentlemen in debate, that these Irish members had hurried from their houses and their families, to ward off from this favoured land those convulsions, the misery of which had been experienced in their own. He (Mr. H.) had also hurried from his family and home, but it was for the purpose of opposing those measures which they supported, and to defend the liberties of the people which he conceived to be attacked, and to be in the most imminent danger, and also to protect Great Britain from those very calamities, from those very measures of violence and cruelty, to which the hon. member for the county of Armagh had alluded,—measures of violence and cruelty, the eternal disgrace of the rulers of that country, and which caused the desolation and ruin of the people. For himself, he was sincerely desirous to protect Great Britain from what he had seen his own country suffer. He would seriously ask these gentlemen from Ireland, and the noble lord, whether they entertained no apprehension of the effect they were about to produce there, by the extension of these bills to that country, in its present forlorn, but "tranquil" condition, where, notwithstanding the pompous speeches, as to its "prosperity," by the noble secretary for foreign affairs, no trade flourished but contraband; and misery was no where more conspicuous. The people suffered there more privations than perhaps in any other part of Europe, but with a resignation and patience above all praise. If they cannot (continued Mr. H.) introduce trade, manufactures, and capital, at least they might refrain from inflicting this wanton and unfeeling insult upon their country. Was this meant and offered as a return for the silent contempt with which that people had received the invitation from Great Britain, to make common cause with the reformers and manufacturers? Was this the reward for that decorum and loyal conduct during the last summer, notwithstanding a state of the most abject poverty, and with but gloomy and distant prospects of an improved condition: a state of privation to which, perhaps, even the severest sufferings of the most distressed of the manufacturing districts of Great Britain is, by comparison, luxury! But does the noble lord imagine that, because in pompous language he has represented her to be in a prosperous state, that this declaration has rendered her so? Prosperity and Ireland!! where are the proofs? A want of trade and manufactures; a greatly accumulated debt, a decreased revenue, and a bankrupt treasury; a capital deserted by rank and wealth, absentees draining the country of her very heart's blood, protecting duties, itinerant legislators; a naked, half-fed, half-clothed, wretchedly-housed, broken-hearted population,—and this the noble lord calls prosperity!! Insult and mockery! Had the noble lord seen any of the letters from the reformers in England, which had been carefully distributed through Ireland during the summer? Does he know the fact? Will any one deny it? The noble lord had reminded the House of his experience in Ireland, with what view? as a threat? or to gain confidence, as an enlightened and successful statesman? If the latter, look (said Mr.

H.,) to Ireland, and then pronounce upon the noble lord's merits. See how she "prospers" after twenty years of "union," and, with the exception of a few months during that period, managed and governed by his lordship. But if this information to the House of the noble lord's experience, be meant as a threat, he acknowledged its weight. As to the exemption of Ireland from the operation of a law about to be passed for Great Britain, or of exempting Great Britain from the operation of a law affecting Ireland, there were the precedents of 1803, when the suspension of the Habeas Corpus act, and the enactment of martial law in Ireland were passed in one night, but not extended to Great Britain. These acts were renewed in 1804, with the same exceptions. In 1816 the Habeas Corpus act was suspended in Great Britain, but not extended to Ireland, and upon the proposition of the noble lord. Let the noble lord (said Mr. H.) place confidence in his countrymen, and try the effect of a system of conciliation and kindness. He owed them much, and professed much, when, in order to prevail upon them to degrade themselves, he held out every hope of an improved condition to a persecuted, insulted, and bleeding people. But in what have these hopes ended? In a total and absolute disappointment, increased distress, and in an addition now, of new pains and penalties to their already most severe penal code; at a moment too, when the noble lord asserts that Ireland was never more "tranquil" or "prosperous;" and at the same instant that he presents her with these coercive measures as a reward for her "tranquillity," he ventures to talk of even-handed "justice"!! Mr. H. asked, whether he flattered himself, that the people of Ireland had become so dull and so insensible all at once, as not to feel and complain of this treatment. There had not yet been sufficient time to hear from the distant parts of that country, since the noble lord's intention has been avowed; but the accounts from Dublin, received that morning, announced the greatest astonishment and indignation. Mr. H. desired, that the bill now proposed to be read a third time, be compared with the bills when first presented to the House; and gentlemen would instantly be convinced, that it had never been the first intention to include Ireland, which was never once named in the first bill, and only introduced by amendments in the committee, after he (Mr. H.) had stirred the question in the House.

He was at a loss to comprehend what the noble lord meant by the words in his first speech on the address, "if they persisted in dealing out justice, even handed justice, and were resolved to interfere in the internal administration of justice no more than this interference was absolutely necessary." How was he about to carry into effect this, his own principle, as to Ireland? Was there any "absolute necessity," or any necessity whatever, to interfere there, to extend there these bills? He had also stated, that, "he only desired parliament to adopt a policy suited to the present exigency, and to evince firmness calculated to meet the danger which threatened the state," adding in almost the same breath, "that he had an individual pride as connected by birth and education with that part of the empire, in stating that, as far as Ireland was concerned, she had never, with some local exceptions, experienced greater tranquillity and prosperity." Where then was the danger (asked Mr. H.) that threatened the state as coming from Ireland? All accounts agreed in stating the danger, if any (which Mr. H. repeated his conviction, that ministers did not believe to be imminent), to exist chiefly, if not entirely, in the manufacturing districts, which the noble lord had stated to contain a *full third* of British population, as a reason for making these bills general, not local, in Great Britain. But how did this apply to Ireland? Where were her manufacturers? Where was the connexion of any part of her population with the manufacturers of Great Britain? none whatever; whereas every county, city, and town in Great Britain, though not strictly manufacturing, had in many cases a direct and intimate, and, in all a remote connexion with the manufacturing districts; nature had also connected them. It was all the same land, and each part of it connected by innumerable common ties. It was scarcely possible that the great manufacturing portions of Great Britain could be seriously convulsed, and the other part remain quiet. Gentlemen (observed Mr. H.) would understand that he did not say this in order to injure any part of this country. The question of including all parts of Great Britain had been already decided, but he would intreat them to be

cautious how they disgusted the people of Ireland with the character of British legislation. It was his duty, by his own country, to show that her situation totally differed from that of any part of Great Britain. She was, besides, *sea-girt*—the noble lord had indeed enacted her to be a province of this empire, though Providence seemed to have decided otherwise. Mr. Hutchinson concluded by opposing the third reading of the bill.

Mr. *Leslie Foster* expressed himself anxious to offer a few observations in answer to the speech which his hon. friend had made—a speech which, from the tone he assumed, was calculated to convey very wrong impressions to Ireland.—Many persons in that country, who, from that speech would think themselves aggrieved, would not, but for such a statement, be aware of the existence of the measure. If hon. members would allow him to explain himself further, they would see no reason for their cheers; as he meant to state, that large masses in Ireland, but for the warning in that speech, would have perhaps remained ignorant of the existence of the measure, because it was probable that there would be no reason in that country for its practical operation. He had never known but one instance of a public meeting in that country which was not held within some house, and which was not therefore exempt from the provisions of this measure. The one to which he alluded was an imitation of the meeting in Spa-fields, but it led to nothing. With respect to the claims of the Catholics, though he differed from the hon. gentleman as to the propriety of conceding them, he was as anxious as he could be to allow a full and fair opportunity of petitioning the legislature on that subject. But he asked his hon. friend, whether he ever heard of any of those meetings of Roman Catholics out of doors? In Dublin, where the aggregate Roman Catholic meetings were held, they were always in large rooms, capable of holding thousands of persons; and, in other parts of Ireland, they generally took place in chapels. He wished it, then, to be understood, that the present bill would have no practical effect against meetings in Ireland. But it was asked, "Why extend this bill to Ireland? Where is its necessity?" To this he answered, that the House had already decided that it should be of general operation; and if Ireland were exempted from it on the ground of its present tranquillity, why should not the gentlemen of Wales call for the exemption of that part of the country; and if Wales were also exempted, why might not Devonshire and Kent be so likewise?—for these exemptions would undoubtedly be sought for if the first were once admitted. He contended that it was necessary as a measure of precaution in those places where its immediate operation would not be required. There was one subject to which he wished to allude, and which his hon. friend had not noticed. They grossly deceived themselves, who, in the event of any considerable commotion in England, would speculate on the peace of Ireland. It was well known that ambassadors had been sent from the radicals of Manchester and its neighbourhood to Ireland; and though he was happy to say that hitherto they had not produced any effect, yet it could not be denied, that if this country were thrown into a state of violent commotion, Ireland would not long continue tranquil. It was on these grounds that, as an Irish member, he should give his vote for the extension of the bill to Ireland.

Mr. *Plunkett* trusted the House would indulge him for a short time, while he expressed his sentiments on the measure then before them. He did not intend to have occupied their attention at this stage of the debate, nor should he have offered himself, but for the very pointed manner in which he had been alluded to by his hon. and learned friend who had spoken last but one. He held it to be rather unusual to call particularly upon any member for his opinion upon what was passing before the House, and perhaps he might, with a full sense of duty, decline to comply with the demand; but he confessed he had so much of the Irishman in him as not to refuse the challenge. He thanked his hon. and learned friend for the compliments which he had paid him in the course of his speech; but he conceived the allusion made to his character, as affected by the vote which he had given or might give on this subject, was wholly uncalled for. He must say that he did not think that character was likely to sustain any injury or diminution from the course of conduct, which he had felt it his duty in that House to follow. He thought that his character could never be implicated by the conscientious expression of a conscientious opinion. His hon. and learned friend, in what he had

expressed, was not inconsistent with his politics; and he (Mr. Plunkett) maintained, that he, in what he had said, was not inconsistent with those politics which he had always supported. In the course of his parliamentary experience, he had frequently been compelled to differ from his hon. and learned friend, and he had never seen occasion since to regret that difference. He had heard a great deal of the claim set up to exclusive loyalty by the gentlemen on the other side; but he considered the claim to exclusive patriotism, which was set up by some gentlemen equally as arrogant and unfounded. His hon. and learned friend had talked a great deal of liberty, and of the inroads which had been made upon it. He should be glad to learn from him what that liberty was, and what were those attacks which were so much to be feared. That liberty would not, he was certain, be defined to mean the unlimited power of each individual to do whatever he pleased. He should rather define it to be "Protestas faciendi quicquid per leges licit." It was not the unbridled licence of disturbing the community at the caprice of all who sought only for confusion. The outcry of the present day was not in support of any enjoyment—it was not to uphold a legal and recognized right, but the uproar was shouted to secure the power of disturbance, to perpetuate an abuse with whose existence constitutional freedom was incompatible. Could such a misapplication of right be called liberty? Was that liberty which was preached up as such in so many parts of the country? No, it was a screaming harpy, an obscene bird of prey, that polluted every social and every natural enjoyment, and sought only to poison all those who allowed themselves to be brought within its influence. He had heard many assertions on the subject on that side of the House, and though he was certain that any thing which fell from his hon. and learned friend was not said with any evil intention, yet it should be recollected, that in the present state of the country the slightest assertion might be sufficient to unsheath the sword of civil discord, which unhappily was already half drawn from its scabbard. Many gentlemen talked of the introduction of military power and the substitution of a government of force for a government of law. He could not participate in such apprehensions—he read the answer to such fears in the application to parliament for the wholesome laws in the passing of which the House was then engaged. He had made those few observations, from having been so pointedly called upon by his hon. and learned friend, but he trusted the House would excuse him if he went a little farther into the subject than he originally intended; for he was anxious to state what his reasons were for giving his support to the present measures. That support was not founded on any suggestions of temporary policy—nor on the information which was disclosed in the papers before the House, but with the conviction that the proposed measures did not infringe on the constitution; while they were essential to its conservation. The state of society in this country, every man who reflected on the subject must admit, had within the last twenty or thirty years undergone a greater change than from the period of the conquest until the time of which he spoke. Within that interval the public attention had been called to the consideration of every measure connected with the administration of the government, in a degree hitherto unprecedented. There had been an intensity of light shed upon all subjects, civil, political, and religious; so that measures were now scanned with minuteness, which were scarcely looked into, or at most, but generally known before. Did he complain of that change, or of the means by which it had been produced? No; he rejoiced at it. The freedom of the public press, directing its efforts under the institutions of the constitution, was the most effectual security of public freedom. He was persuaded that where every action of every man connected with public affairs was laid before the public in the fullest manner, and most strictly canvassed and examined; where the press exercised this kind of guardianship, we had the best guarantee of all our rights. Then why did he allude to the public press? Because there was under the same title, another description, a blasphemous, seditious, mischievous, press, of which the members of that House knew but little, but which had been unremittingly at work in destroying every honest and good feeling in the heart of man, and in loosening all those moral and social ties, without which civilization could not exist. It was not against the respectable press, but against this under current, which, setting with great force, was drifting the great mass of the humbler classes of the community into sedition,

atheism, and revolution, that the House sought to guard. It was for the consummation of such atrocious objects that this battery was brought to play upon their passions and their ignorance. Did he mean to say, that the lower class of the people had no right to be informed on public transactions? Did he mean to say that the lower orders of the people had not a right to inquire into and discuss subjects of a political nature? No such thing. Did he mean to say, that they ought not to have the power of expressing their sense of any grievance under which they might think themselves to suffer? Far from it; but when he was willing to allow to them the enjoyment of every constitutional privilege, which they were entitled to possess, he never could consider that nice discussions on the very frame of the constitution—on the most essential changes in the institutions and fundamental laws of the country, were calculated for minds of such intelligence and cultivation. They ought rather to be protected from the mischiefs which such a misapplication of their minds must entail. Every capacity was capable of understanding the nature and the extent of the restrictions which government, from the purport of its institution, necessarily imposed on the natural freedom of man; but to the task of contemplating the more than usurious repayment which in long and various succession was received for that surrender, the generality of persons were not quite so adequate. The penalties of government stood at the threshold, but its benefits were to be traced through a long interval of ages—in the distribution of equal laws—in the control of public wisdom, producing, even through apparent contradiction, the grand harmony of the social system—these he conceived were subjects which could not be well discussed by men whose time was chiefly devoted to daily labour. It had been wisely said that "a little learning was a dangerous thing." It was true in literature, in religion, in politics. In literature, superficial reading too frequently formed the babbling critic. In religion the poor man, who, unsettled as to his faith, became curious upon his evidences, and who, if he possessed the capacity, and had time and means to extend his inquiries, would in the end reach the moral demonstration which religion unfolded—shaken, but not instructed, became a shallow infidel. It was equally so in politics; men who indulged in the perusal of every species of invective against the institutions of their country, who read on their shopboard of all the evils, and did not comprehend the blessings of the system of government under which they lived, these men, the nature of whose employment and whose education disallowed them to be statesmen, might however learn enough to become turbulent and discontented subjects. Was not this the case in France, where persons were called from their daily labour to give opinions upon the most difficult points of legislation? But he heard from his hon. and learned friend, and from other hon. members, a great deal about overturning the constitution of the country; and the wish that the practices of the good old times should be restored. He should be glad if the persons who made these observations would prove their present applicability. If it were said that the measures now introduced were against the practice of the good old times, he should only state, that before he could agree to the proposition, he must unlearn all that he had known of those good old times, and all that he had read in history respecting them. He should be glad to know when had such meetings as it was now attempted to control been considered as the ordinary exercise of the constitution? Why, until the present reign had far advanced, there were no such meetings known, and the reason why such laws as the present were not before thought of, was, that no grounds ever before existed for their necessity. Where a spirit of disaffection existed, some restrictive measure should be passed to check its operation. The House were called upon to provide against an evil not of ancient, but of recent origin, and, in the wise spirit of the constitution, it proceeded to apply new remedies to a new mischief Let any man who read the bill contradict him. Did it in its enactments interfere with any right of the subject according to the spirit of the constitution? It was, and he said it with sincerity, a remedial measure. He appealed to the common sense of every man who heard him, whether the expression of the public voice was possible to be obtained at these screaming, howling, hallooing meetings which the measure went to suppress [Hear, hear!]? Could any discussion, any deliberation, any fair, impartial decision, result from such assemblages? Let

him ask, whether, if ever there came a question of deep importance, on which it was of the greatest moment to procure the authoritative expression of the public opinion, that opinion would not be better ascertained, and its influence more powerfully felt at a hundred meetings, held in apartments, where every man would be allowed to deliver his sentiments and to hear distinctly those of others, than at a meeting of 10,000 persons assembled together in the open streets, and where what was said by one could not be heard by hundreds? Why, the spirit of the constitution was more likely to be preserved in those meetings than in the large and tumultuous ones. He would admit that it was of importance, that the public voice should be frequently expressed; but then he would not sanction meetings where, under the mask of expressing that opinion, the use of physical force was recommended in bringing about alterations not only of the law but the constitution. He would agree with what had fallen from an hon. baronet, that perhaps the opinions of lawyers might not be the best on these subjects, but he would ask, whether the first step from barbarism was not this—to prevent the elements of society from being let loose against those laws which were enacted for the benefit of all; and thus throwing mankind back into a state of nature; in which the institutions of government possessed neither respect nor power. The first principle of society was, that care should be taken to prevent the exercise of physical force from bearing down those bounds which that society had placed to human action in particular cases. He would admit that there were states of society where those bounds were broken, but then they were states of revolution, and never existed without the destruction, for the time, of all order and harmony in the country where they rose. In conclusion he begged to state his opinion, that the same reason which existed for the extension of the bill to all parts of England, also existed for its extension to Ireland. His hon. and learned friend had, on this occasion, mixed up the question of the Roman Catholic claims with this bill. In his opinion there was no connexion between them. No doubt his hon. and learned friend was a warm and sincere advocate for the question in which the Roman Catholics were concerned; but he (Mr. Plunkett) should say, that any man who could mix up their question with such measures as the present, was not, in effect, acting the part of a friend to them. His hon. and learned friend must admit, that most, if not all the meetings which were held on the subject of the Roman Catholic question, were held within doors, and therefore the present bill could not affect their assembling to petition; and he knew his Catholic countrymen so well as to feel that even, if under the present circumstances they were to suffer some privations, they would freely acquiesce in them, in the hope that the time was not far distant when they might be enabled to participate in the benefits of that constitution, which they were ever ready to support and defend.

Lord *Milton* declared, that after the observations which had fallen from his right hon. and learned friend, he could not avoid offering a few remarks. Some of the opinions of his right hon. and learned friend had astonished him, and he was the more surprised at hearing them from such a quarter. He understood his learned friend to argue, that because in the present day an intensity of light was thrown upon all subjects, therefore the progress of knowledge was to be stopped. If his right hon. and learned friend had not meant this, his words could convey no meaning at all. His right hon. and learned friend had contended, that because knowledge was so general, it should be restricted. Why, if that argument had always been in force, what would have become of the exertions of a Luther and a Calvin, who had contributed to take from our religion that veil of error in which it had so long been hid? He should be glad to know how knowledge was improved or increased but by slow steps. His right hon. and learned friend had advanced one proposition which utterly astonished him. It was, that in the last 20 or 30 years, we had improved more in knowledge than in some centuries preceding. What! would his right honourable and learned friend say, that the accumulated wisdom of six or seven centuries; that the Magna Charta, the bill of rights, the Habeas Corpus, and other measures, securing the liberty of the subject, were outweighed in their importance by the increased knowledge of the last 20 or 30 years? Surely his right hon. and learned friend must have lost sight of those great bulwarks of our liberty, when he used such an argument. He would admit that there were very many, who (whether their

opinion was well or ill founded he would not then inquire) were in favour of the present bill; but he would say, that that in itself was no argument in its support; for there were not wanting instances of whole nations surrendering up their liberties, and willingly embracing an absolute government; and on one occasion it was seen, that a great nation did voluntarily surrender up its liberties, into the hands of a single individual; but would such a circumstance be taken as a justification of a surrender of any portion of our liberties at the present day? He did admit, that in consequence of some things which had occurred in the country, there were some persons disposed to give up many of their invaluable rights, through fear of a supposed danger. But he maintained, that there existed no such danger as to call for this surrender. His right hon. and learned friend had said, that the present application to parliament proved in itself that a military despotism was not thought of. Why, he asked, had parliament been now assembled 3 weeks, and not one word spoken by ministers of the great increase of 12,000 men which they had made in the army of the country? He professed himself so much a friend to old laws and old customs, as to doubt the legality of such an increase. The bill of rights said that there should be no standing army without the consent of parliament, and the mutiny act regulated them in such a manner as to bring them under immediate parliamentary control. With these acts then before him, he should, until he heard some strong proof to the contrary, doubt that such an increase as had been made to our army was lawful. But, he asked, did this increase accompanied as it was, by strong coercive laws, show a disposition to respect the liberties of the people? The army so raised was, however, not considered a sufficient safeguard, and the present bill was introduced. Was that bill founded upon the ancient practice of the constitution? When a similar measure was first introduced in 1795, there were great discontents in the country—treasonable societies in England—a convention sitting at Edinburgh, arrogating to itself the powers of the legislature, actual convictions having taken place—the country at war with an enemy, whose malignity was only exceeded by its industry in disseminating its principles. Such was the state of things in 1795; and yet instead of a remedy, as his right hon. and learned friend had called it, the measure was characterized, even by its advocates, as a great, though a necessary infringement of the constitution. The same occurred in 1817. The measure was then also looked upon by all as an infringement of the constitution. It was enacted at both those periods, and suffered after each to expire; but he maintained that, by the frequent repetition of such coercive acts, the people would in time be brought to think little of their rights, and would at some future period, through some such fears for their security as were now disseminated, be brought to surrender their liberties altogether. He contended, that if the safety of the country was brought to depend on military force alone, it could not be long secured. The people would not be content to be so coerced, and if the expression of their opinions through the medium of public meetings were restricted, ministers would lay open a ground for secret associations, and conspiracies, and for a crime which he would not trust himself to name, as being so repugnant to the feelings and character of Englishmen. What was the reason why so marked a difference existed between the large assemblies, vulgarly called mobs, in this country and in those of others? Ought it not to be attributed to the free constitution, which recognized the right of a free expression of opinion? He allowed that the bill had been much amended in the House. It had no doubt been rendered more palatable to a number of persons; but it did not, therefore, seem to him to be more desirable, as, when he considered that circumstance, and the tone of his majesty's government on the subject, he was persuaded that at the end of the five years the continuation of the bill would be proposed. The popularity which the bill might acquire with some persons in the country, was, therefore, in his opinion, one of the greatest dangers attending it. The tendency of the bill was not only to produce arbitrary power, but to take away the means of resisting arbitrary power. He did not say that it was the intention of his majesty's ministers to do this; but they could not be so blind as not to be aware that such was the tendency of the measure. It would stop the free communication of sentiment among the population of the country. It would prevent that congregation of the people, so consonant to the principles of the constitution; at which the mutual expression ofopinion was

fairly indulged in; and at which all the ill blood generated by political differences had the opportunity of evaporating. But the principal grounds of his opposition to the measure were, that the enactment of the bill would make it difficult, if not almost impossible, to return to a wholesome state of liberty—that state, which, if not wholly annihilated by the measures which had been introduced by his majesty's government, had at least been severely impaired.

Mr. *Robinson* allowed, that if he entertained an opinion of the state of the country similar to that expressed by those who opposed the measure, if he could by any course of reasoning come to the conclusion at which the noble lord who had just sat down had arrived—if he thought the existing disaffection were of recent origin—if he thought that by some sudden and unaccountable accident, the country was exposed to an ebullition of popular feeling—if he thought that the attempts to disturb the tranquillity of the country had no defined object—if he thought that that object was not pursued with systematic and unremitting activity, he should then perhaps be of opinion that the proposed measures ought not to be adopted. Although no man was more slow than himself to see any danger in an ebullition of popular feeling and prejudice, or to interfere with it, yet he was convinced that the country was not at present in a state of mere ebullition. There were not many hon. gentlemen present who recollected the events which took place at the commencement of the French Revolution. But they were matter of history; and it was impossible for any one who was duly informed respecting them, to say, that the reception which the mischievous doctrines promulgated at that time, met in England, was fostered by distress; for there never was a time when trade was more flourishing, or the general prosperity more assured. That, however, was the period when the pestilent doctrines by which we had ever since been more or less infected, were first sown in this happy country. A noble lord opposite had contended, that that was a time of greater danger than the present. To him the fact appeared precisely the reverse.—The evil commenced at the beginning of the French Revolution. It had since made great progress. It had assumed by turns every shade and disguise; and now its gigantic form threatened destruction to all the elements of civil society. It had occasionally been more or less active; but never had it been wholly extinguished. What was the sort of danger to which the country was at present exposed? He appreciated it, not so much from the representation of any individuals in that House, as from the avowed and declared objects of the parties themselves. The first of the meetings to which he should advert, was that at Birmingham, in which the most audacious attempt was made to attack the majesty, honour and constitution of parliament, that had ever entered into the mind of the most audacious Reformer. The resolutions of that meeting had been treated, forsooth, as ridiculous. For his part, he believed that at every period when revolution was contemplated, there was a mixture of the ridiculous and the terrifying. But not at that meeting alone; at the meeting at Hunslet Moor, a resolution was adopted similar in substance, manifesting the same disposition and intention to attack the privileges of parliament. In this resolution the persons assembled declared in plain terms (for to that it was now come; there was no affectation of concealment), that they wished "to form a national union, the object of which was to obtain an overwhelming majority of the male population, to present such a petition as could not fail to have the desired effect." An overwhelming majority of the male population for the purpose of presenting a petition! And then the resolutions proceeded to state, that the persons adopting them would resort to "such other constitutional measures as may be deemed most expedient to procure the redress of their manifold grievances." A tolerable notion of the constitution persons must have, who talked of giving effect to a petition by "an overwhelming majority of the male population!" Then came the proposition for a meeting at Manchester, on the abandonment of which so much stress had been laid. But why had it been abandoned? Because, as the individual announcing that abandonment asserted, "although the object was one of absolute right, the persons intending to assemble were not strong enough to resist the power that was to be opposed to them." What followed? Training by night, and all those other means which were calculated to give strength to the

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individuals by whom they were adopted. On these, and a thousand other considerations with which he would not trouble the House, he could not but contemplate the existing danger as infinitely greater than any that had ever yet menaced the country. But was there no danger to liberty itself in the proceedings in question? To endeavour to carry any political purpose by a vast accumulation of persons, was pronounced by well informed individuals of all parties to be wrong. No such meetings could be held without the necessary collection of all the civil and military force in the neighbourhood. Was it not dangerous to liberty thus perpetually to contemplate the parade of force, which circumstances rendered necessarily attendant on the expression of public opinion? No man denied the right of the people to assemble for the purpose of expressing their opinion. But in all well-constituted societies, what right was there which was not liable to regulation, in order to prevent its abuse? He had said enough to show the reasons on which, in his opinion, parliament was driven to the adoption of the proposed measures. As to the asserted disposition of government to use those measures for the subversion of the constitution, it was a charge easily made. For himself, he never more sincerely and heartily regretted any thing than he did the necessity for such proceedings; but he could not shut his eyes to the danger; he could not look to the circumstances in which the evil had originated; he could not observe the course that had been pursued; he could not contemplate the systematic activity with which pernicious doctrines had been disseminated among the people, without feeling the absolute necessity of parliamentary interference. The noble lord had contended, that it was impolitic to throw any impediment in the way of public meetings, because, as he supposed, they were the safety valves of the constitution, by which all the bad spirit and feeling of the people evaporated. It was a most pestilent evaporation. Were it the pure essence of liberty, no man would observe it with more satisfaction than himself; but it spread death around. Compression might be inconvenient; but if it were not compressed, sure he was, that they would all fall under the baneful influence of that noxious exhalation. Looking then at the circumstances of the country, and balancing between evils, he could not but decide in favour of the present measures. The liberty now claimed by the disaffected was unknown to the constitution. It had grown up into a frightful abuse. Of this he was persuaded, in direct opposition to the noble member for the county of York, that the corruptions and dangers of the present day were much more alarming than those of any former period; and if not checked with promptitude and vigour, that they would produce still greater evils:

"Damnosa quid non imminuet dies?
Ætas parentum, pejor avis, tulit
Nos nequiores, mox daturos
Progeniem vitiosiorem."

Mr. *W. Smith* said, he should not address himself to those who thought that the existing evil originated in the French revolution, and had proceeded until it had arrived at its present point, because he was not aware of any argument which could effect a change in such an opinion. He acknowledged that by allowing all assemblies to take place under cover, a very considerable part of the sting had been taken out of the bill; but on that point he wished to make one observation. He was aware that the marginal notes of a bill were not to be considered as an accurate index of the bill itself; he could not, however, help adverting to the marginal note referring to the clause of exception which he had noticed. It was as follows: —"Clause not to extend to any meeting held in a private room." He was at a loss to know on what authority that expression had been introduced, but he protested against parliament being concluded by it. Many of the clauses might be excluded from the bill without interfering with its operations. He alluded particularly to the clause which limited its duration to five years. This was a period which he thought ought not to be insisted upon, as, if that were permitted, at the end of five years the measure would no doubt be renewed as a matter of course. His objection in general to the bill, however, was founded upon the same grounds on which he objected to the whole system of measures which had been brought in, namely, that they had been introduced to the notice of the House, without any inquiry whatever. The House had taken for granted, that all that had been stated was true, without one inquiry as to the propriety of the evidence on which those

statements had been made, and without once considering whether the remedies proposed were called for by the evils which had existed. The *prima facie* evidence before the House was, that there had been a meeting at Manchester, the legality or illegality of which was doubtful; that that meeting was dispersed in a manner which had not been resorted to since 1780 (when it took place under very different circumstances), that two or three hundred persons were much hurt—some of them killed. If this was not true, let it be disproved. If not disproved, he had a right to assume, that at least a large proportion of the statement was true; and that the mode of dispersion was illegal. The justices acting on that occasion had, nevertheless, substantially received from his majesty's government complete indemnity; and all other justices in a similar way were, under the bill before the House, to enjoy similar indemnity. By the bill, a single justice of the peace was empowered to disperse an assembly of the people. Was that an authority which ought to be so conferred? A great deal had been said, and said with truth, of the merits of what had been called "the unpaid" magistracy. But that was a narrow view of the question; they were not "an unpaid" magistracy. Did those hon. gentlemen who cried "hear!" think the magistracy unpaid because they received no pecuniary recompense for their services? He remembered a story, which was probably known to all the readers of French anecdote. A chevalier de Saint Louis, of distinguished military merit, observing a great French actor receive, on coming out of the theatre, the homage of a large crowd of persons, exclaimed, "who is this fellow that enjoys so much applause, while I, who have served my country so long and so faithfully, am quite neglected?"—"What, sir," replied the actor, "do you reckon for nothing the privilege of treating me in this manner?" So he would say to those who talked of the "unpaid" magistracy, Did they reckon for nothing the privileges and authority which those gentlemen enjoyed—privileges and authority, in his opinion, of much greater value than any pecuniary payment they could receive. Of that "unpaid" magistracy, he believed the far greater portion of them would rather enjoy the privileges they now enjoyed than be turned into paid magistrates with moderate salaries. For those who discharged their duty in a proper manner, it was much to possess the power of doing good, and for those (if there were any such in the country) who sought to recommend themselves to the higher powers, they only looked forward to payment *in futuro* instead of *in presenti*. He would not intrude longer upon the House, but he had felt it his duty to state the reasons that induced him to vote against the third reading of the bill.

Mr. *Long Wellesley* felt himself called upon to state the reasons which induced him to support his majesty's government in the present measure; and these were founded on a conviction, that the dangers which existed demanded the exercise of extraordinary powers. In coming to this conclusion he disclaimed any intention unnecessarily to infringe on the rights and liberties of the people; nothing was farther from his principles, or those feelings of independence which he hoped he should always maintain. If he thought the present bill went unjustly to infringe on the liberties of the people he trusted that no motive would induce him to give it his consent. He, however, could not see that it affected those constitutional liberties which the people had a right to enjoy. It did not prevent them from meeting, as they had a right to do, by law: an individual who had received the common education of a gentleman, knew that there never was a period when the people could meet to express their sentiments on public affairs without being under some restrictions. Those now to be imposed were not unjustly severe, and in his opinion they did not trench on those privileges secured to the people at the time of the Revolution.

Mr. *Williams* expressed a hope, that the House would indulge him for a few moments while he explained the motive on which he founded his objection to these bills. It was because, taking the whole of the statements which had been given by the hon. gentleman on all sides of the House to be strictly true, he thought that these bills went further than the evils complained of demanded. The evils were, according to his notion, that a great number of persons assembled together with flags and with military parade, and that these persons were inflamed by the speeches of itinerant orators, who went about from place to place inculcating their pernicious doctrines. Now, allowing these evils to exist in certain

quarters, surely it did not follow that the restrictions which might be considered necessary to their suppression, should be extended to places in which they were unknown? If the bill had been confined to the correction of the evils described, it would have met with his most cordial support. But why were parliament to put those under restraint who had not participated in these proceedings, and who had unquestionably a right to submit their opinions to the throne, or to the other branches of the government? One or two of the enactments of the bill would have been sufficient for the purpose. Those which forbade persons from going out of their own county to public meetings, and the display of any military parade at those meetings, would have met all the necessity of the case. But why take away that which ought to be considered as the inalienable right of Englishmen? By the proposed bill, meetings could be held only by the will of the sheriff or the magistrate. If his permission were refused, the people would be compelled to assemble in parishes. And what kind of meetings would they be? He knew several parishes in which the meeting must necessarily be composed of two persons —the landlord and the farmer! How were these persons, unless they joined with neighbouring parishes, to express their opinions, or to discuss any grievances of which they might have reason to complain? The proposition was quite idle and ridiculous. Another objection to the bill was, that cities and towns corporate, might be restricted from delivering their opinions through the intervention of a single individual—he meant the sheriff or mayor. It was true, as had been said, that sheriffs were not in England, at least, under the control of the Crown; but still these individuals might be influenced by private passions and prejudices, which would incline them to act in opposition to the wishes of the community at large. He had known such persons enter their protests even against charitable meetings; and if this were the case, how much more likely would they be to exercise the same right under the direction of those feelings which were apt to actuate men upon political subjects! Thus he conceived he had shown, that the powers given by this bill would materially infringe upon the legitimate rights of the subject. There was one of the remedies which had been proposed, to which he thought there was no objection? The bill for preventing the training which was going on in some districts, no friend of his country but must cordially support. To the prevention of the display of flags and other military demonstrations, there could be no possible objection. To the assembling of immense numbers—for how was it possible that any individual could address or be heard by thirty or forty thousand persons?—To the assembling of immense numbers, a check seemed indispensable. The congregation of such a multitude could answer no good end. Had the bill comprehended merely those considerations, it would have met with his most cordial support. But, as he had already said, it went much further, and much beyond the necessity. Adverting to the severe distresses which were experienced in the manufacturing districts, he expressed his regret that his majesty's ministers had not put into the mouth of his royal highness the Prince Regent, at the commencement of the session, an avowal of that sorrow for those distresses which he was persuaded the benevolent nature of his Royal Highness would incline him to feel on the subject. The next step ought to have been to institute such an inquiry into recent occurrences as would satisfy the people. He would then have endeavoured to get rid of a great part of the existing discontent by the appointment of a committee of inquiry into the nature of the general distress. He must say, that if ever the House of Commons was disgraced, it was by the rejection of his hon. friend's motion on that subject; a rejection founded on the assertion that the motion was dictated by party motives! For himself, he was uninfluenced by party motives. He sincerely felt that inquiry would have got rid of a great portion of the evils complained of. He sincerely believed, that if the legislature were to resort to proper measures, there would be found in the country abundant means, without any recourse to emigration, of giving beneficial employment to the whole population. After he had done all that he had described, he would have proceeded to that, which, in his opinion, would be the most important step of all—a moderate and rational reform. Advancing step by step, he would eventually have made the voice of the people as distinctly heard in that House as was consistent with the public safety. He was satisfied that the

great bulk of the people would continue to respect the House, if the House would apply themselves calmly and dispassionately to inquire into and remedy the existing distresses. But, above all, he conjured them not to adopt measures injuriously operative on the whole community, when it was confessedly only a part of that community that ought to be subject to them. They were the guardians of the people, and should be especially cautious not to oppress those who were already in a state of great dissatisfaction.

Lord *Morpeth* said, that hon. gentlemen must feel that party attachments would be allowed on some occasions to influence the discussion of state questions; but he deprecated their influence in this instance, not merely with reference to the awful situation of the country, but also with reference to these particular measures, which were proposed by his majesty's ministers, for the purpose of averting the dangers by which it was threatened, and of opposing the progress of revolutionary doctrines. Without further preface, he must for his own part fairly confess, that from all the information he had been able to glean from the papers on the table, and from all he had been able to gather from persons the best informed upon the subject, the constitution, in his opinion (however reluctantly he came to that conclusion), would be seriously endangered, unless the spirit of these seditious meetings were speedily put down by the strong arm of the law, aided by military interference. Under all these circumstances of the case, he must give this bill his support; but with regard to the character of the measure, it had been already so amply discussed, that he did not deem it necessary to detain the House upon the subject. He would here ask, what was the evil complained of by the country? What was it, but the existing state of the country? What remedy then must be applied? What, but the aid of physical, but authorized, force? They would be told by some of those who advocated the cause of reform, that such a system of measures was incompatible with their wishes. These gentlemen would assert, that their object was, in one word, the constitution, the whole constitution, and nothing but the constitution; and they would then proceed to say what their views of that constitution were. Why, they would assert that annual parliaments and universal suffrage formed a most essential part of it; and they would say, that they should consider their wrongs unredressed, their evils unremedied, and their rights unrestored, if such annual parliaments and such universal suffrage were not conceded to them! They would go on to declare, that these remedies they possessed the most ample means of obtaining; and in favour of these doctrines, the House had heard by one hon. baronet already, the great and respectable authority of the learned Selden cited. He had not been able to refer to the particular passages which were said to contain such opinions; but if they were the opinions of Selden, indeed hon. gentlemen must acknowledge, that no man ever put a greater restraint upon his feelings than that learned person; because, as the House must know, he was himself a member of a parliament the very reverse of annual; and one which deprived the people of the exercise of any authority as to the establishment either of general suffrage, or a different mode of representation. But, however, that might be, he would ask the House, whether there was no difference between a man's suggesting a theory, and propounding a fact?—No difference between the circumstances of the times, or none in the application of such opinions? But they were told, that this was a system of coercion and restraint: he must confess that he thought it was, generally and particularly. He must allow that these regulations of meetings, were in themselves a limitation of the right of meeting, as in individuals; but the question for their consideration was, whether the limitation and the coercion were necessary to the safety of the state? Besides, it was further necessary to impress upon the members of these seditious meetings the consideration, that this measure was not intended as one of coercion, but as one of penalty. As to the propriety of preventing such meetings as that of Manchester, let it be remembered, that the objects of that meeting were not those of the people of Manchester only; but that it was thought necessary to infuse into that people the genuine and unadulterated spirit of disaffection which prevailed in all the manufacturing districts. It was urged again, that this bill was an infringement on the privileges and the liberties of the subject; and that assertion he must also allow. They, however, were to inquire, whether it did not go to

prevent more daring and extensive encroachments, which, if not so prevented, would involve all the liberties dearest to the country in one vast and undistinguished ruin? When the nature of those liberties was talked of, he was strongly reminded of a memorable passage in Burke, written, by the way, not at a time when the general disgust and horror occasioned by the atrocities of the French revolution might have been naturally supposed to have elicited such observations from him, as the result of experience, but nearly fifteen years before their occurrence —in the year 1774:—"The distinguishing part of our constitution is its liberty. To preserve that liberty inviolate, seems to be the particular duty and proper trust of a member of the House of Commons. But the liberty, the only liberty I mean, is a liberty connected with order; that not only exists along with order and virtue, but cannot exist without them. It inheres in good and steady government, as in its substance and vital principle." But this "order," which Mr. Burke had thus imaged to his auditors (the passage was from his speech at Bristol), hon. gentlemen could hardly deem to be synonimous with the rigid and awful silence which prevailed at the meetings of these reformers; that "virtue" was not to be found either in the opinions or the assemblies of those men (he hardly knew how to describe them), those insidious exhorters to infidelity, who, not contented with insulting religion, would contaminate the loyalty of the people. He held measures of coercion to be absolutely necessary; but he had yet to learn, why, if they were adopted, and these districts tranquillized, the genius of the country should not be allowed a fair and patient trial of exertion? He had yet to learn why she should not be competent to that trial; or why it should not be the duty of those engaged in commerce, to extend and to improve her commercial interests? or why, in the pursuit of that object, they should not sedulously cultivate a promising and profitable intercourse with South America? He had also yet to learn, why it should be found impossible to employ the surplus and industrious population of this kingdom upon works of public utility, or upon monuments of national genius? Lastly, he would ask, why they should not be applied to that most important of all purposes, the improvement of uncultivated lands? The advantages, in short, of their employment and exertions, had been already most ably described in the eloquent speech of the hon. member for Taunton; and had not been more highly estimated than their real value warranted. It was of all things, however, the duty of the House to extend protection to the loyal, the peaceable, the industrious, the unbiassed part of the population—a duty which they owed to the unrepining, and, equally so, to the misguided portion of the community, whom they were bound to protect from those treacherous and designing men, who, professing sympathy for their misfortunes, exaggerated their distresses: and while they strove to subvert the altar by assailing it with blasphemy, endeavoured to undermine the throne by the diffusion of revolutionary principles.

Mr. *Scarlett* acknowledged that he was far from considering that in the present state of the country, some measure was not necessary, calculated to produce a salutary impression upon the disturbed districts of the country, and to lay the spirit by which they had been agitated. For his own part, no man thought some such proceeding more needful than himself; and if he considered that the one before them was a measure of that description, no man would more cordially support it. But it was because he had a serious and solemn conviction, that a directly contrary effect would be produced by it, that he should think it his duty to oppose it, and to lay before the House his reasons for doing so. It appeared to many, that the state of the country was such as imperatively to call for measures which might be effectual to put down the large meetings which had recently been so frequent. No one would more readily concur in the general impolicy and impropriety of such large assemblies. He was by no means disposed to think that a meeting of the whole people of England upon Salisbury plain would be either advisable or convenient for the discussion of grievances. He was very ready to admit, that a public meeting, convened under a state of circumstances, such as affected the manufacturing districts of the country, might call for a measure of restriction; but they had been told that it was not there alone that the measure was necessary; and indeed those districts did not seem to be in particular affected by the bill before the House, or by any of the measures proposed by his majesty's ministers. He should have been dis-

posed to support the measure, even had its provisions been more severe, had he not thought they were inimical to the liberties of the country. The noble lord and several hon. gentlemen had admitted that the measure was a restriction on the liberties of the people; but how did that admission agree with the declaration of his right hon. and learned friend, that so far from restricting the liberties of the people, it was framed in the very spirit of the constitution; and that it went to support those rights which he (Mr. Scarlett) and the noble lord thought it went to abridge? This bill did not merely confine itself to interference with meetings, at which 30 or 40,000 persons were assembled, but it made all meetings, in any part of the country, to depend on the will of a single magistrate, and was this, he would ask, no restraint on the liberty of the people? Was it nothing to put under restraint these meetings which it affected not to attack, in a manner in which they had never been dealt with before? If he should be able to prove that the bill went a great deal further than the right honourable and learned gentleman had said it did, he trusted that he might hope from his candour a retraction of the opinion that it contained no sort of restraint upon the rights of the people. He hoped to show that it was a bill founded on panic and alarm. Danger might exist, indeed; but he denied that it arose from public meetings. They were but warning voices which admonished the government of the country of what it was prudent to foretell. What had been called a noxious exhalation, government, instead of preventing, wished to confine: they sought a pretext by which, instead of its exhaling, it might stagnate, and become so rank, as eventually to explode with a force too powerful to be easily restrained. The magistrates, by this bill, were empowered to disperse and dismiss any meetings which had been heretofore frequently held in large and populous places; and here he could not help observing, that as hon. gentlemen were more removed from the immediate scene of danger, in proportion were their fears increased. He did not find that gentleman coming from the very districts in question were the most anxious to support these measures; but on the contrary, those who came from the north, were not half so much alarmed as those who came from the west, while the greatest alarm of all was felt among the gentlemen from the sister country.—The friends of the noble lord seemed to have come over in the utmost trepidation and with the greatest personal inconvenience, and though perfectly satisfied with the state of their own country, were sufficiently anxious to tranquillize this.—But did this bill prevent any large meetings in the neighbourhood of populous places—Birmingham or Smithfield? No such thing; to the amount of 10,000 at least, they might still meet. But did his right hon. and learned friend consider that it did this; that it annulled a course of proceeding which had been persevered in for these twenty years past? that a meeting held in however accustomed a manner was liable to be dismissed and dispersed, and all attending it liable to be put to death, for aught he knew to the contrary, at the will of a single magistrate? He would not say of a magistrate appointed by the Crown, but of an ordinary magistrate. If he, again, had party feelings to indulge, and magistrates possessed feelings similar to those of other men; they had their prejudices and party views; and any one of them imagining that the meeting had been called to pass resolutions, incompatible with his own sentiments might directly proclaim it to be illegal, and pursue those who attended it with the pains and penalties of felony! He begged pardon of the framers of this bill, but he must say, that a greater blunder in legislation was never committed, than to make men guilty of felony, not for any breach of the peace committed by them—not for any outrage or violence on their part, but at the will and on the discretion of a single magistrate. He would suppose the case of a meeting summoned by the sheriff or by five magistrates: who should regularly convene it. It might be imagined that such an assembly would be secure from any disturbance; yet a single magistrate, not friendly to the meeting, and intending to destroy it, might contrive to invalidate the whole proceeding. He would put to them a strong case. He might, for instance, send to the meeting a copyholder, who held lands to the value of 3,000*l.* or 4,000*l.* a year in the county; but who not being a freeholder or inhabitant householder, could not legally attend the meeting. In the case of a borough, a freehold of 50*l.* a year qualified a freeholder; yet none but a freeholder or inhabitant householder, or a heritor in Scotland, was to

be so qualified as to attend those meetings. Well, in this case, the magistrate might send either a copyholder or his own clerk. If any resolution were proposed which the magistrate did not like, he might make his proclamation, and strangers would be ordered to withdraw. He would then perhaps say, that he knew there was an individual who had no right to attend the meeting; but he would not name the party; for by this bill he was not bound to do so. He might even be called on to name at the time of so ordering strangers to withdraw; and would only reply, that he was not under the necessity of doing so; that he knew there were intruders, and that was sufficient. In a quarter of an hour, the magistrate might make another proclamation, and half an hour after that, every person remaining, if more than 12 in all, was declared a felon. What! was this the way to support the rights of the people of England? Was this no restriction upon their liberties? was this a measure framed in the spirit of the constitution? He would suppose, that at a county meeting—such a one, for instance, as that held in the castle-yard at York, there might be half a dozen strangers present. The magistrate makes his proclamation, takes his measures properly; in a quarter of an hour makes his second, in half an hour the half dozen are guilty of felony; and on what ground? Or he might disperse such a meeting on speculation, and if a few disqualified persons afterwards showed themselves who either had or had not been present, the magistrate might say, "I find I am right; my proclamation was a proper step, here are 6 persons neither freeholders nor inhabitant householders; you must all of you be transported for seven years. And these were the rights, the unrestricted rights of the people of England! So well were they protected, that those who met to exercise them inevitably subjected themselves to the risk and penalty of being transported! It had been said that private rooms were excepted. He did not mean to quarrel with the exception; but he meant to say, that the views of the framers of this measure in making that exception were most inconsistent. It was said that great discontents existed in the country; that great dissatisfactions among the people (it was but too true) were increasing. If so, could any thing be more improper than to allow these troubles, discontents, and dissatisfactions to rankle and fester in private, where government could know nothing about them? While the public expression of complaint was not to be permitted, this bill was to allow its utterance in private. This appeared to him to be the way to increase and not to diminish the danger. Although he did not himself at all approve of any proceeding of the kind, yet, if the country was agitated, if that agitation arose from the meeting of vast bodies of persons, whose discontents were too liable to excite disturbance, he would much rather see a measure aiming altogether at public meetings, or suppressing them entirely for a time, than one which protected the disaffected, merely because they met in private where they could not be got at. He wished also to say a few words on another clause, not merely as it now stood, but also as it existed before the bill had been revised by the committee. It was originally intended that the clause should only extend to meetings holden for the purpose of deliberating upon public grievances, or of considering or agreeing to petitions, addresses, and remonstrances; but it now extended to all meetings which had relation to trade, manufacture, business, or profession; so that if any number of individuals residing in different parts of the country wished to deliberate on a matter relating to their trade or business, they could only do it by calling meetings in their respective parishes. For instance, if any gentleman wished to express his opinions upon the policy or impolicy of an increased tax on wool, he could not go out of his parish to do it, unless, indeed, a county meeting should be called for the subject; to which, in his opinion, a county meeting would not be inclined to pay any considerable attention. Lord Sheffield, who was so much interested in the wool trade, and had done so much to promote it, might wish to have a meeting of the wool growers, to petition parliament against the tax on wool; but the bill now before the House, if passed into a law, would prevent him from going to such a meeting if it was out of his parish, and would prevent others from coming to it if it was holden within it. This circumstance alone would go far to prove, that this bill, was what it had been originally called, a bill exclusively to establish parish meetings; and being so, he would

ask, whether the rights of the people were not violated by it? Was it to be argued that their meetings would be more deliberative and respectable, because overseers of parishes were to act as presidents at them; or that meetings over the parish vestry-table, to discuss public grievances, would be of greater utility than meetings assembled on the principles of our ancestors? If it was not the intention of ministers so to argue, then their division of the country into parishes and townships was perfectly absurd and ridiculous. A right hon. and learned gentleman in the course of the debate had said, that all government was founded upon a compromise of individual rights, and had argued from this principle, that, even if some of the rights of the people were sacrificed by this bill, which that right hon. and learned gentleman would by no means allow, the interest of the state demanded that they should be so sacrificed, in order to put down the discontents which existed, and to promote the general security of the country. But in what manner could this bill tend to soothe the irritated feelings of the people, or remove the dissatisfaction which a system of misrule had excited among them? In what manner could it tend to the security of the country that public meetings should be abolished, when it was well known that they were the channels through which government most easily became apprised of the feelings of the governed, and when according to the acknowledgment of the right honourable and learned gentleman himself, it was from what occurred at the meeting at Manchester that his majesty's ministers were apprised of the disaffection which prevailed there? He did not object to this bill as putting down large meetings in populous manufacturing towns, but as putting down all meetings of every kind and in every place, at the will and discussion of a single magistrate. He also objected to it as furnishing a bad precedent to future times, and as forming a part of that novel system, which ministers were introducing to coerce the country. Its tendency was to produce any thing but conciliation, as it robbed the people of those rights which they had enjoyed ever since they were a people, and to which more than any other they felt themselves attached. He would not enter into the question how far the exigencies of the times required a measure like the present, now that it was conceded by a right hon. gentleman opposite, to be an infraction on the liberties of Englishmen; he would only put it to the House to consider, whether, after the manner in which it had defended its liberties against a foreign foe, and resisted, during five and twenty years, all the attacks which he could make upon them, it was prepared to see them fall at once before such beings as Hunt and Cobbett? It was paying too high a compliment to those individuals to suppose such a sacrifice to be necessary; but it really appeared as if ministers paid them that compliment by the measures which were taken to preserve the country from their machinations. For these reasons he should vote against the bill.

The *Attorney General* supposed that his hon. and learned friend had not read the bill before the House with the attention which he generally conferred upon subjects of this nature, from the vague and incorrect ideas which he had formed regarding it. For his own part he should not have arisen at so late an hour in the evening, and after all that had been previously said upon this subject, had he not felt it necessary to say a few words in reply to his hon. and learned friend who had just sat down. His hon. and learned friend had asserted, that public meetings were not dangerous in themselves, but only indicative of the existence of danger; and had deduced as a corollary from that proposition, that, as far as public meetings were concerned, no legitimate measures were necessary. He did not wish to misrepresent his hon. and learned friend, but he certainly understood that to be the sum of his observation. His hon. and learned friend had said that public meetings were not dangerous. If that were the case, parliament had been wasting their time during all their late legislation, as that legislation went principally to prevent the recurrence of meetings accompanied with danger, such as had been seen at Manchester and elsewhere. For that purpose this bill with all its various details had been formed; and to that bill and its details his hon. and learned friend had made many objections. In his objections to the details, his hon. and learned friend had been particularly unfortunate; his first objection was, that "all meetings were made to depend upon the will of a single magistrate, who might arrest at them any individual whom he found expressing sentiments hostile to his own."

Where, however, did his hon. and learned friend find any thing in this bill which warranted such an objection? He would tell him, that he would find there nothing like it. He would indeed find that the magistrate was entitled to arrest any stranger who might attend without being entitled to do so, and to disperse the meeting if resistance were made to such an arrest. He would also find that the bill, so far from enabling a magistrate to arrest *any* individual who addressed a public meeting, only enabled him to arrest such as were propounding seditious and treasonable resolutions, and were not entitled to attend, much less address the meeting. This was all that his hon. and learned friend would find, and did this, he would ask, bear out his objection? The next objection made to the bill was, that a magistrate might dissolve a meeting upon speculation; that is, he might send into it some man not entitled to attend it, who, by staying beyond the limited time after proclamation made to depart, would give him the opportunity of dispersing it. To this objection he should, in the first place, reply, that a magistrate by this bill, had no absolute power to disperse a public meeting, but acted on his own responsibility. He was left to use the same discretion which magistrates at present possessed under the Riot act, and could no more use his discretionary powers on every occasion, than they could employ theirs where there was no riot. His hon. and learned friend put the astonishing case of a magistrate coming to a meeting accompanied by a person, whom he might have hired to come forward in order to render the meeting illegal. But to what did that tend? Would not that hired person by attending a meeting, at which he had not a right to be present, leave himself liable to a prosecution for a felony as well as any other stranger? Surely his hon. and learned friend had not read the bill before he made those observations; at least he had not read it with his usual attention. The last objection to the bill made by his hon. and learned friend was, that words relative to trades and manufactures were now inserted in it which it did not contain as it originally stood; and that those words, contrary as they were to its spirit, did not give those facilities to the discussion of trade questions, which were absolutely necessary. His hon. and learned friend had endeavoured to illustrate this objection by a reference to the wool-trade; now he would ask his hon. and learned friend what there was to prevent the wool-combers, at Leeds for instance, from meeting on any subject connected with their manufactures, in their town-hall? Was not that mode of meeting left open to them? and therefore did the bill take from them any right which was beneficial to their interests? Did not the measure leave all meetings held within doors unshackled? It was not necessary for any trade to meet in the open air, to the number of 10,000. They might discuss their interests as well, if not better within rooms, where the provisions of the bill allowed them to assemble when they chose, and as freely and numerously as they pleased. He had now answered all the objections, plausible objections he would allow them to be, of his hon. and learned friend; and he therefore trusted that the House would think that he had not trespassed needlessly on its indulgent attention

Mr. *Scarlett* explained, and maintained that he was fully borne out in the assertion, that a single magistrate had it in his power to disperse any meeting by the words of the clause, which enable a justice to take any person into custody "who shall wilfully and advisedly make any proposition, or hold any discourse for the purpose of inciting or stirring up the people to hatred or contempt of the person of his majesty, his heirs or successors, or the government and constitution of this realm as by law established." Now the words "inciting or stirring up to contempt of the person of his majesty" were none of the clearest: he had in the course of his professional practice known a man of the name of Lloyd to have been convicted of inciting the people to hatred of his majesty, who had merely written on the walls of the town in which he lived, and with whose corporation he had quarrelled, the words, "Damn all corporations." Now our lord the king being a corporation of himself, was included in this sweeping execration; and it was argued, that these words "Damn all corporations," were against his peace and dignity. The result of the conviction was, that the man was imprisoned for two years in Lancaster-castle. On similar grounds it was to be feared that magistrates would act in the execution before the House.

The *Attorney General* maintained, that he had replied to the arguments of his

hon. and learned friend, as originally put, and that the objection now urged was equally fallacious.

Mr. *Denman* begged leave to remind his hon. and learned friend, that he had stated the same objection in the committee, and that no satisfactory answer had been given to it up to that moment. The strong objection to the bill in his mind was, that it authorized a single magistrate to disperse any county meeting at his own discretion, whether it had been called by the lieutenant, the sheriff, or any other legal authority. Such was the principle that pervaded all the enactments of the Bill. The answer attempted by his hon. and learned friend (the Solicitor-general) was, that the magistrate had not the power to dissolve the meeting immediately, but after an intermediate process. But had not the magistrate the power to order any person into custody who had used expressions which would justify him, in his own opinion; and who was the judge as to the propriety of his interference? not the sheriff, but the single magistrate himself. The functions of the sheriff were therefore destroyed by the bill. He also strongly opposed the clause indemnifying magistrates for any deaths which might ensue from the dispersion of meetings. The clause to which he alluded authorized magistrates to disperse meetings, and to hurt, maim, and kill those who remained after the proclamation, and this was done, not by a direct enactment, but by implication. It had been said that the same was done in the Riot act. It was no such thing. The power of dispersing a crowd in the Riot act was not given to the magistrate by implication, but in so many express words and sentences: nor was the power of inflicting the other penalties allowed to them till after opposition was made to the attempt to disperse. The clause in question was nothing better than a fraud upon the House, and was introduced to legalize acts of violence. There was no such law at present in existence; for if there had been any such law, there would have been no occasion for any magistrates to have complained (as the papers on the table showed that some magistrates had complained) of a want of power wherewith to put down the evils which surrounded them. "But they had the power of dispersing a meeting in their commission of peace." This was not the fact; the commission gave them power to apprehend and commit to custody, but not to disperse a meeting of their countrymen. "But they had it by the statute of Henry 7th." There was no statute of Henry 7th referring to this point, and therefore he conceived his hon. and learned friend had made a mistake, and intended the statute of Henry 4th, c. 13. Even this statute gave a magistrate no such power as he contended for. That clause, therefore, which gave them the power of dispersal by implication, also conferred upon them the right to commit manslaughter by implication. These, however, were objections in detail: he would now state why he was hostile to the bill itself. He was hostile to it because it was inefficient for all the purposes for which it was provided: for the protection of the loyal it was not sufficient, and the leaders of the seditious meetings were so well aware of its impotency, that even now they were laughing it to scorn: they knew that itinerant orators could still be heard in private rooms, and were therefore, aware that they themselves were untouched by it. Though inefficient, however, to protect the loyal and repress the ill-disposed, it would operate as a bar and as an exclusion to all discussion among those who had really grievances requiring redress: it would shut up against them the outlet of complaint and leave them without any hopes of being heard. Besides, he could not forget that it came before them accompanied by others of a suspicious nature; that it proceeded from a cabinet that had discussed the question, whether a censorship ought to be established in England; and that it was one of six bills which went to overthrow all that was valuable in the constitution, and to produce a greater alarm than that which they were nominally intended to suppress.

Mr. *R. Martin* stated, that the Irish members had come over to defend the constitution of the country. He acknowledged that he was in some degree an alarmist, and conceived that great danger would ensue to the constitution of England and Ireland if the present measures did not pass. It might be taken as a proof of his sincerity, that he was ready to bear any share of unpopularity which the course he took might excite, and he knew that in England it would be attended with no popularity—but he was convinced that he should earn great popularity in the county which he

had the honour to represent, for having contributed to save the constitution of England and Ireland by the passing of such acts. Had he been a lawyer, like some of the worthy gentlemen opposite, he would have written a note to the attorney and solicitor general, telling them, "I approve of much of what your bill contains, and I request a conference, that we may see whether we may not so arrange the rest as to come to an agreement." He complained, that as it was now sure the bill would pass into a law, it was acting improperly towards the people to teach them to believe that the system under which they would have to live was unconstitutional.

The *Solicitor General* expressed his surprise at some observations that had fallen from his hon. and learned friend who had spoken last but one. He would ask, upon what ground his hon. and learned friend had asserted that his majesty's government had held a consultation on the subject of instituting a censorship of the press? This was a charge which ought surely not to have been made upon light grounds. He had charged him with mis-quoting the act of Henry 7th, and had suggested the act of Henry 4th as the only one applicable to the power of magistrates. But the act of Henry 7th gave the magistrates the same power over unlawful assemblies as over riots. There was a statute of Henry 4th, he would admit, upon the same subject, which was confirmed by that of Henry 7th, so that he maintained his quotation was correct. As to the power of dispersion, it was given in the present bill precisely in the same terms as in the Riot act. His hon. and learned friend had said, that until the clause indemnifying justices in cases of killing and maiming, occurred, there was nothing in the bill that could lead them to suspect it of containing the power of dispersion—but did his hon. and learned friend forget the proclamation, which was copied to the very words from the Riot act, and which called upon the people to disperse on pain of being subjected to the penalties of the bill? "Our sovereign lord the king chargeth and commandeth all persons here assembled immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business." Yet, with this proclamation before him, his hon. and learned friend said, that there was not a word about dispersing till he came to this clause. A similar clause was introduced in 1796, and in 1817 a proclamation similar to the present was provided, followed by a power of dispersion expressed word for word in the same language with that which was now objected to. His hon. and learned friend had also said that the bill might easily be defeated—that he denied. The object of the bill was, to prevent assemblies of thirty or forty thousand persons from meeting to display the physical force of the country, to the terror of the peaceable inhabitants and the encouragement of the disaffected. It was not proposed to prevent itinerant orators from speaking in rooms or apartments; they might speak there still, though, if they inculcated doctrines subversive of the government they were answerable to the law.—For these reasons, he did not hesitate to express his confidence that none of the arguments offered that night would be successful in persuading the House that the bill was inadequate to the object for which it was introduced.

Mr. *Denman* repeated his assertion, that none of the authorities referred to by his hon. and learned friend, allowed the magistrate to use direct force for the dispersion of meetings.

Lord *Folkestone* begged leave to recall the attention of the House to the consideration of the general principle of the bill. At the same time it could not be a matter of wonder, that the House, in discussing the principle of this measure, should have deviated into the consideration of particular clauses, when it was recollected that the bill in its progress through the several stages had undergone so many changes; when it was recollected that it had been twice recommitted; that its details had occupied the House two whole nights; and that it had been altered from what it was originally intended to be. In the course of the debate, he had been surprised to find that it was not intended by all the advocates of the bill to support it on the principle originally laid down by the noble lord, that it was not an infraction of the constitution; for the right hon. the president of the board of trade, seemed to think that it was an infraction of the constitution. The right hon. gentleman, sitting there as one of his majesty's ministers, had told the House that the bill was an infraction of the constitution, and that it was a necessary measure to protect the country against the baneful effect of those reforming princi-

ples that had been growing up ever since the French revolution. This statement was made in the place by a cabinet minister, and yet ministers had allowed the evil to go on so long without making any attempt to arrest its progress till now, when they came down to the House with six or seven bills at once; of which the present was not perhaps the most alarming. A right hon. and learned gentleman had adopted a course of argument somewhat different: he had contended that the bill not only was no infraction of the liberties of the people, but that it was perfectly congenial to the constitution of the country. Astonishing as this doctrine was, he (lord Folkstone) had been still more astonished at the right hon. and learned gentleman's definition of liberty, as applied to the argument which he had endeavoured to maintain. He had defined liberty to be potestas faciendi quicquid per leges licet; by which it was admitted that a man had a right to do whatever was lawful (a pretty narrow definition of liberty, by-the-bye.) By this bill, however, a man might be prevented from doing what was perfectly legal by the intrusion of one stranger, or by the interference of a single magistrate; and how then could it be said that that man was at liberty to do quicquid per leges licet? But the subsequent part of the right hon. and learned gentleman's speech was not less surprising He had talked of new lights, and informed the House, in the language of the poet, that "a little learning was a dangerous thing;" After all the right hon. and learned gentleman had himself said upon the Catholic question, he was now prepared to recommend a different course of policy in the present instance. In arguing the Catholic question he had often stated to the House, "You have done so much, that you cannot go back again." Was it not the same with regard to the discontented part of the community now? By informing their minds, the country had enabled them to see the blots and flaws of the constitution, and the question now was, whether they should proceed to stop them from seeing, by penal enactments, or taking out those blots and flaws of the constitution, the existence of which the right hon. and learned gentleman himself did not deny? His hon. and learned friend below him had justly observed, that this measure, objectionable as it was in itself, was rendered still more dangerous by the other bills by which it was accompanied. One of those bills (the search for arms bill) enabled any magistrate or justice of the peace, in any of those counties in England or Scotland to which the measure was intended to be applicable, to give a warrant to a constable to break into a man's house at any hour of the night. By another of the bills now on the table, such restrictions were to be laid on the press as sufficiently indicated the spirit in which all the present measures originated. The hon. and learned gentleman had denied that there had been any discussion in the cabinet on the subject of establishing a censorship; but had the hon. and learned gentleman been a member of that cabinet which he had defended, he would have known that (as had been stated in another place by a person who must have known the fact) there had been a discussion on that subject, and that, though the measure was not decided on, still the question had been entertained. This measure relating to the press, as well as the others now in progress, seemed to be a part of that continental system which was opposed to all representative governments. He believed, indeed it had been stated by the noble lord, that the assent of this country had been given in words, though not in substance, because in substance it was not in the power of the Crown, without the concurrence of the executive government, to assent to all the propositions of the Holy Alliance; and connected as the noble lord was known to be by negotiation, perhaps also in forms and manners with foreign courts, it was not impossible that measures originating with the noble lord might partake of that policy which prevailed in those courts. He begged the House to consider, while they were passing these bills that they were intended to meet an evil, into the origin and circumstances of which ministers had twice this season refused to grant an inquiry. Some persons referred that evil to the distresses of the times, while others maintained that it proceeded from a bad principle that had been growing up in this country since the French revolution; but, whichever of those opinions might be correct, he trusted the House would not consent to pass these restrictive measures without knowing more of the cause that required them.

Mr. *Honeywood* said, he represented a very populous and a very loyal county, and he should ill justify the confidence

which his constituents reposed in him, if he did not express his sentiments on this bill. Many arguments had been used to show, that the population of this country did not entertain loyal sentiments; but for his own part, he considered it a libel on the people of England to say that they were disloyal, or disaffected to the constitution. That they were disaffected he would admit; but to whom were they disaffected? Not to their king; not to their country; but to his majesty's ministers. If that was a crime, he was also guilty; for he was equally disaffected to them. To his majesty's person he would pay the most loyal allegiance, but to his majesty's ministers he would pay no allegiance. When he saw them making innovations on the constitution of the country, he conceived it his duty, as a loyal subject, and a member of parliament, to oppose their proceedings; and, accordingly, he now felt himself called upon to raise his voice against the present measure, which was not only an innovation on the constitution, but was subversive of the liberties of the country.

Mr. *G. Bankes* supported the bill. He thought the discontent which was at present so prevalent, arose in a great measure from distress; but to prove that it was not the less dangerous on that account, he quoted the following passage from Bacon:—"Lucan noteth well the state of Rome before the civil war—

'Hinc usura vorax, rapidumque in tempore fœnus.
'Hinc concussa fides et multis utile bellum.'

"This same *multis utile bellum* is an assured and infallible sign of a state disposed to sedition and troubles; and if this poverty and broken estate in the better sort be joined with a want and necessity in the mean people, the danger is imminent and great; for the rebellions of the belly are the worst." As to the question of religion, there was and could be but one opinion on the subject. The House should come to some decided vote. The best interests of humanity were engaged in the contest, and if gentlemen did not choose to legislate on so important a subject, the dissolution of all law would be the consequence. Those who did not protect religion must partake in the consequences of its fall. Those who did not rise in its defence must share in the misfortunes and the danger necessarily consequent upon its ruin. He honestly and fairly stated his opinion. He believed the measures proposed to be calculated for the public good, and should support them.

Lord *Morpeth* said, that in the last stage of this important measure he wished to be allowed to offer a few words to the House. He was the more anxious to obtain that permission, because he was under the painful necessity of differing from many of those for whom he felt the most sincere respect and esteem. But occasions might occur, when the feelings of personal friendship and of party attachment might be allowed to bend to a strong and imperious sense of public duty. Such an occasion was the present, whether viewed with regard to the awful and critical state of the country, or considered with reference to the nature of those measures which were proposed to counteract the evils and avert the dangers of our situation: for that gentleman must have viewed the measure that was now proposed through a very different medium from that in which he had been constrained to see it, if he considered either its adoption or its rejection as an unmixed or unbalanced good. But called upon to form his opinion from the information submitted to the House, from the intelligence that he had obtained from other sources, from the general notoriety that prevailed, he was led irresistibly, however reluctantly, to the conclusion that the meetings which had lately disgraced and distracted the manufacturing districts in the northern parts of the country, if not suppressed by the strong arm of new legislative enactments, must be put down by the much more to be dreaded alternative, the interposition and exercise of military force. With this conviction upon his mind, though disapproving of some of the clauses of the bill, and wishing that its duration had been confined to a shorter period he must give his support to the present measure.—Into the nature, character, and complexion of the meetings that had lately occurred he would not now inquire, as that part of the subject had been completely analyzed by preceding speakers; but he might inquire into the grievance that was the general object of complaint; what was it but the existing constitution of this country? and what are the means by which this grievance is proposed to be removed? terror and intimidation resulting from the display of physical and organized force. For what are the words inserted in reso-

lutions agreed upon some time previous to the meeting at Manchester? "They (meaning the reformers) will be satisfied with nothing short of the constitution, the whole constitution, and nothing but the constitution: that annual parliaments, and universal suffrage constitute an essential part of the constitution, and are their rightful inheritance, that they shall consider their wrongs unredressed, and their rights withheld until they are possessed of such annual parliaments, and such universal suffrage." They then proceed to say, that they look for redress only from themselves, and that they are possessed of ample means. No petition to parliament, no address to the Prince Regent. What is it but to declare that the reformation of the constitution is to be effected by the introduction of a principle calculated to lead to confusion and anarchy, through the medium and agency of physical force? But he is told that these doctrines of annual parliaments, and universal suffrage have met with the sanction of many great and distinguished authorities, among the chief Mr. Selden has been named, the most learned as he has been termed in a learned age. He had not been able to refer to the particular passage, but if Mr. Selden supported these doctrines no man ever placed a greater constraint upon his feelings and principles; for he was, as is well known, an able and distinguished member of a parliament the most reverse of annual, of one which debarred the people of this country for a longer period than ever before or since occurred, from exercising their right of suffrage either universal or particular. There is also the authority of the duke of Richmond, and the very respectable name of Mr. Granville Sharp; but if there be a parallel between the theories, is there any parallel between the times, and the circumstances with which they are attended? is there no difference between propounding a theory, and asserting a right? is there no difference between discussing a point in a treatise, or submitting it as a proposition to either House of parliament, and claiming it as an integral part of the constitution before an assembled multitude, suffering under privation and want, and exposed to all the artifices of disaffection and malignity? But this is a system of coercion and restraint. That may be true both in its general and particular acceptation; all regulation, all law, all duty, allegiance itself is the diminution of some right, is the limitation of some power inherent in every individual; but the question is, whether such restrictions are not generally necessary, and whom and what they restrain? If the effect be to coerce those who are gaining a flagitious livelihood by preying upon the credulity and inflaming the passions of the suffering classes of the community: if it check their career, and arrest their progress, it is a measure not of rigour but of prevention. If it also have the effect of suppressing such meetings as that which occurred at Manchester, (for it must be remembered that the leaders upon that occasion did not convene merely the inhabitants of that town. The good sense and moderation of some might have checked the turbulence and disaffection of others. It was necessary to collect the scattered and diverging rays of disaffection into one focus; it was necessary to infuse into the mixture of Manchester the pure and unadulterated spirit of neighbouring reform,)—if it suppress meetings of this character, it is a measure not of coercion, but of protection. But it infringes in some degree the liberty of the subject. He admitted it; and it was with reluctance that he gave his consent to some of the provisions of the bill; but does it not guard against greater infringements, against more daring encroachments, encroachments which if not sturdily resisted must involve all the liberties of this country in one undistinguished mass of ruin and desolation? —But he had heard much general declamation about liberty; he wished is to be more accurately defined. He remembered Mr. Burke, not writing at the time that he might be supposed to be led away by his horror and disgust at the excesses of revolutionary France, but in the year 1774, in his address to the electors of Bristol, thus describing liberty: "Liberty is the distinguishing part of our constitution: to preserve it inviolate is the peculiar duty, the proper trust of every member of the House of Commons. But it is that liberty, and only that liberty I mean which is connected with order, and that not only exists with order and with virtue, but cannot at all exist without them." Mr. Burke could not have intended that species of order which proceeds from the regular procession, the marshalled files, and organized battalions of the Manchester reformers; nor that species of virtue which is to be collected from the inflammatory harangues of the demagogues of

the day, much less that virtue which is to be extracted from those publications, the noxious exhalations of the press, which, not content with simple infidelity, insult and revile the God whom they renounce and abjure.—But it is a system of conciliation that is required. He confessed that he did not see that a system of conciliation was incompatible with measures of promptitude and vigour. He had yet to learn why parliament and the government might not lend a patient ear to the distresses of the people, and endeavour by all attainable means to alleviate and diminish them. Why they might not upon the basis of reciprocal advantage, establish a more close commercial intercourse with neighbouring nations; why they might not avail themselves of the bright prospect that was opening to the people of South America, or carry the spirit of commercial enterprise into those almost untraversed seas which wash the numerous and scattered islands in the Eastern Ocean: why they might not employ the superabundant population of some districts in this country in works of practical and durable utility.—But the urgent and immediate duty was that of protection, not merely with the view of defending that manufacturing and commercial capital, the nature of which had been so well illustrated in the very able speech lately made by the member for Taunton, in order to tranquillize its alarm, to ensure its confidence, to perpetuate its stay; but it assumes a wider range, the House is called upon to extend the shield of its protection over the quiet, the loyal, the industrious, the uncomplaining part of the community, and not them alone, but to extend it over the unthinking, the deluded and the infatuated, to endeavour to reclaim and rescue them from the grasp and ascendancy of men, their professed and pretended instructors and teachers, but in fact their bitterest and deadliest enemies—men, to whom if free scope were allowed for their pious and patriotic exertions, would purify religion by blasphemy, and renovate the constitution by revolution.

The gallery was cleared for a division, but the House did not divide. During the exclusion of strangers Mr. Scarlett and some other members rose to address the House. Mr. Lambton perceiving this, observed, that if the House attempted to debate with closed doors, he should move that it do adjourn. On our re-admission to the gallery,

Mr. *Scarlett* was speaking. He said, that if the present measures were calculated to produce the effect proposed, there was not a man in the House who would support them more readily than himself. But, upon the most serious consideration, he was convinced they would have a contrary effect, and therefore it was that he felt bound to oppose them. He did not pretend to deny that the state of the country was such as to call for the enactment of some legislative measures—that the state of the manufacturing districts did not call for the interposition of government. But he felt convinced that the measures proposed by ministers were not calculated to remedy the existing evils. Many hon. members had expressed their reluctance to support these measures, and he was glad to hear them say so, as it was an admission that they were a restraint upon the liberties of the people. But how did this admission agree with the statements of a right hon. gentleman (Mr. Plunkett), that these bills were brought forward in the spirit of the constitution [Hear, hear!]? Where did the constitution say that meetings were to be limited to 10,000 or to 30,000 persons? Did the operation of the present measures go to prevent large meetings in counties? No: the present measures went to suppress meetings not contemplated by the proposers of them. If, then, they were unnecessarily trenching on the people's rights, it was not yet too late to retread their steps; it was not too late to arouse themselves from the unfounded panic and alarm which had been spread abroad. It was urged, that the meetings themselves were not so much to be dreaded, but that they were an indication of public feeling. If these meetings were to be put down, then one indication of public feeling was put an end to. The hon. and learned member, after some farther observations, asked, what was to prevent any magistrate from coming in and dispersing one of these meetings tolerated under the act? If such meeting were to remain beyond the quarter of an hour allowed to strangers to withdraw, or if the parishioners were to remain half an hour beyond the order to disperse, then the whole of those who remain were to be accused of felony. Suppose, for instance, that a magistrate were to send a volunteer, he would not use the harsh term a spy; suppose such a person were to be sent into a meeting, would not this at once destroy the liberty of meeting

in this way? The hon. and learned member concluded by imploring the House not to adopt measures subversive of the liberties of the people, merely for the purpose of putting down such persons as Hunt and Cobbett, and other orators and writers equally contemptible.

The *Attorney General* observed, that his hon. and learned friend had argued that public meetings were dangerous, but yet that they ought not to be suppressed by legislative measures [No, no!]. This was what he understood his hon. and learned friend to have said. The hon. and learned member went on to defend the measure. The magistrates were vested with the power of dispersing the meeting if strangers refused to withdraw. The magistrates were, however, responsible for the exercise of this power. They could not disperse the meeting unless, as under the provisions of the Riot act where there was a riot [Hear! from the Opposition]. Gentlemen might cheer, but he maintained that the proposed measure provided as fully against abuse as the Riot act did, or could do. He believed that this was not an irreligious age, and that if religion was attacked by the disaffected, it was because they conceived it a main pillar of government.

The House then divided: For the third reading, 313; Against it, 95: Majority, 218.

*List of the Minority.*

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|---|---|
| Allen, J. H. | Ebrington, viscount |
| Aubrey, sir John | Ellice, E. |
| Anson, hon. G. | Euston, earl of |
| Baring, A. | Ferguson, sir R. C. |
| Barnett, James | Fitzgerald, lord W. |
| Bennet, hon. H. G. | Fitzroy, lord C. |
| Benett, John | Foley, Thomas |
| Benyon, Benjamin | Folkestone, visc. |
| Bernal, Ralph | Gaskell, Ben. |
| Birch, Joseph | Graham, Sandford |
| Brougham, Henry | Graham, J. R. C. |
| Burdett, sir F. | Griffiths, John W. |
| Byng, George, | Guise, sir W. |
| Calcraft, John | Gurney, R. H. |
| Calvert, C. | Heron, sir R. |
| Cavendish, lord G. | Harvey, D. W. |
| Cavendish, Henry | Hill, lord A. |
| Clifton, viscount | Howorth, H. |
| Colborne, N. R. | Honywood, W. P. |
| Coke, T. W. | Hume, J. |
| Compton, Sam. | Hurst, Robert |
| De Crespigny, sir W. | Hutchinson, hon. C. |
| Denman, Thos. | Kinnaird, hon. D. |
| Denison, W. J. | Lamb, hon. W. |
| Duncannon, viscount | Lamb, hon. G. |
| Dundas, hon. L. | Lambton, John G. |
| Dundas, Thos. | Langton, W. G. |
| Latouche, John | Robarts, W. T. |
| Latouche, R. | Robarts, A. |
| Lemon, sir W. | Russell, R. G. |
| Maberly, John | Scarlett, James |
| Maberly, W. L. | Scudamore, R. |
| Macdonald, James | Smith, W. |
| Martin, John | Stewart, W. |
| Mildmay, P. St. John | Tavistock, marquis |
| Milton, viscount | Taylor, M. A. |
| Moore, Peter | Thorp, alderman |
| Nugent, lord | Tierney, rt. hon. G. |
| Osborne, lord F. | Waithman, alderman |
| Pringle, J. | Webbe, Ed. |
| Perceval, Spencer | Wharton, John |
| Palmer, C. F. | Whitbread, W. H. |
| Parnell, Wm. | Wilkins Walter. |
| Pares, Thos. | Williams, W. |
| Peirse, Henry | Wilson, sir Robert |
| Price, Robt. | Wood, alderman |
| Rickford, W. | TELLERS |
| Ricardo, David | Althorp, viscount |
| Rancliffe, lord | Grant, J. P. |

When we were re-admitted into the gallery, we found

Mr. *J. Wharton* on his legs, proposing a clause relative to the admission of reporters to public meetings. It went to authorize the attendance of reporters to newspapers at public meetings, although strangers to the place, on their sending in their name to the magistrate twenty-four hours before the meeting.

Lord *Castlereagh* objected to the introduction of reporters as a distinct body recognized by the legislature and invested with particular privileges. If strangers to the county, parish, or district, the inhabitants of which respectively composed the meeting, he saw no reason for considering them in any other light than strangers by any clause in the bill. The magistrates might grant them facilities of admission if they saw no objection. It was true, as had been stated by an hon. member, that the reports of the proceedings of public meetings in the public journals had sometimes warned the country of its danger; but it was at the same time not to be denied, that the danger had often been increased by alarming and fallacious reports. He was unwilling to allow this class of persons any rights by this act which they did not previously possess; and thus to give a pretence for the admission of strangers.

Mr. *Tierney* said, that the number might be limited to three or four, and thus a part of the noble lord's objections might be obviated; but the noble lord objected to the principle of admitting reporters altogether [No, no!].

Lord *Castlereagh* said, he merely ob-

jected to the claim of a right. A magistrate, who saw no reason for excluding them, might grant them facilities of admission.

Mr. *Tierney* did not see how a magistrate, without some authority in the act, could authorize the attendance of strangers.

Lord *Castlereagh* said, the magistrates could introduce their own officers and assistants, though strangers, and if they chose they might bring in the reporters among them.

Mr. Alderman *Waithman* said, the reason which the noble lord had given for the exclusion of reporters was, in his opinion, the strongest ground for their admission. The noble lord had stated, that fallacious reports had been propagated, and produced danger. Now, as some reports must always go abroad, would it not be better to admit reporters from respectable newspapers, who were men of education, who had characters at stake, and would be careful to avoid misrepresentation, than allow statements to get into circulation through the medium of individuals less qualified?

Mr. *J. P. Grant* said, that the magistrate could not connive at reporters when strangers were ordered to withdraw.

Mr. *Hume* contended, that by the bill, the reporter by attending a meeting would incur the penalties of a stranger, which was fine and imprisonment, nor could the magistrate protect him against the informer who would share the fine. He would propose a clause obviating the objection to the clause under discussion, which gave a right to attend, while it at the same time protected the reporters from the penalties attaching on other strangers. He would propose to give the magistrates a power to refuse or grant admission to reporters at their discretion. The noble lord had not brought forward the clause which he had given hopes to expect on a former night; and therefore he (Mr. H.) felt it his duty to propose one. The hon. member was proceeding, when

The motion of Mr. Wharton was put and negatived.

Mr. Hume then moved that the following clause be brought up:—"Provided also, and be it enacted, that it shall be lawful for the lord-lieutenant, governor, or *custos rotulorum*, sheriff, stewart depute, convener, justice of the peace, or other officer, convening any meeting, or presiding at any meeting, called agreeably to the provisions of this bill, on application from the editors of newspapers, in writing, stating their names and places of abode, to grant authority under their hands to a reporter for each editor so applying, to attend any such meeting, provided always that such reporters shall conduct themselves at such meetings in an orderly and quiet manner."—The House divided: For the bringing up the clause, 88; Against it, 262: Majority, 174.

Mr. *Hutchinson* said, that he did not wish at so late an hour, and after so protracted a debate, to detain the House by going at any length into argument in support of the clause to exempt Ireland from the operation of the bill. He had already troubled them at the opening of the debate on that night with some of the many observations which might be adduced to prove how entirely unnecessary, and totally inapplicable this particular bill, and the whole of the noble lord's measures of coercion and penalty, were to that country, in reference to its present avowed state of tranquillity and submission to the law. He had already shown that there was a total and absolute difference in the relative situation of the two countries (Great Britain and Ireland) at this moment. That not one of the causes assigned by the noble lord for introducing these bills, nor by any member who supported them, had been, or could be, stated as existing in Ireland, for whose peaceable state the noble lord and the secretary for Ireland had themselves voluntarily vouched. He had repeatedly challenged ministers and the members for Ireland who supported them, to contradict him if in error, and to state boldly why they were disposed to inflict these bills on that unoffending and much-sinned-against country. They had not answered that challenge, they could not. The right hon. gentleman, member for the university of Dublin, had, indeed, replied to that appeal, by stating some doctrines better calculated for the divan of Constantinople, or for the kingdom of Morocco, than for the enlightened wisdom of the parliament of this empire. He reminded the House of the temperate manner in which he had made his appeal to that gentleman, and he desired them to contrast it with the heat and peevishness with which he had been answered, with a want of patience, he must say, but little creditable to a gentleman whose talents and learning pointed him out as

likely to become one of the most distinguished judges of the country. He assured the House that he had been perfectly serious in that appeal, which he understood the right hon. member to have answered by stating "that the members for Ireland had agreed to the extension of these bills to their country, because they felt that there existed a system of violence and intimidation." Where? in Ireland! would the right hon. gentleman assert any such thing? he had indeed, and doubtless to the great satisfaction of ministers, given his opinion as to the illegality of the Manchester meetings, when the question really interesting to the public and to the constitution was, how that meeting had been dispersed, whether the manner of dispersing it by the magistrates had been illegal, and attended by circumstances of the utmost brutality committed against the people, by which lives were lost, and men, women, and children, most inhumanly treated; but the right hon. gentleman resisted any such inquiry, and gave the weight of his talents to support ministers in stifling all investigation, and in their deep laid plans against the liberties and constitution of the people of England; but above all, had willingly joined with the minister without the shadow of an excuse to extend these claims to his unfortunate and unoffending country, where, Mr. Hutchinson said, he hoped, he and the rest of the Irish members who agreed with the right hon. gentleman, would be called to account for their extraordinary conduct with regard to this bill and the whole of the system of the noble lord. The right hon. gentleman had talked of exclusive loyalty and exclusive patriotism. Mr. H. said he believed there was such a thing as fashion in loyalty, such a thing as occasional loyalty, that for himself he did not lay claim to the credit of exclusive patriotism, but he confessed he should be rejoiced to have had it in his power to induce the right hon. member to give with him a patriot's vote on the present question. The right hon. gentleman had made use of the very hackneyed observation of a "little learning is a dangerous thing;" in his (Mr. H.'s) opinion, extensive information and super-eminent talents misapplied, were not more dangerous than reprehensible. The right hon. gentleman had stated, that the present was not the first occasion in which they had differed in opinion. He was not aware to what he alluded. They had, indeed, differed in opinion as to the noble lord's bills against the liberty of the press, and the sacred right of petitioning, but above all, as to extending these hateful measures to Ireland, where there had not been even one solitary instance of a tumultuary meeting on parliamentary reform, or on commercial and manufacturing difficulties, nor one in consequence of the proceedings at Manchester on the 16th of August, which had created such a flame, and had given rise to so many meetings in Great Britain, and which meetings were stated as the main foundation for all these measures. He certainly considered it an unnecessary insult and cruelty practised against Ireland, to extend the training bill, and that against seditious and blasphemous publications there, where there had not been a single instance of training, nor a single trial for any such publication; yet the right hon. gentleman approved of the extension of these bills to Ireland, which Mr. Hutchinson was happy to oppose with all his might. There was, indeed, another occasion, a very signal one too, on which he was proud to have differed from the right hon. gentleman, it was on the investigation into the conduct of an Irish county member, which occupied the attention of the House during a part of last session. The right hon. gentleman was absent during the whole of that investigation, but he afterwards attended in his place, and, after as able a display as perhaps he had ever made in parliament, or on any occasion, he supported that speech with as objectionable a vote as had ever been given in the House of Commons. On these occasions, Mr. H. said, he had on his part too, no reason to regret having most decidedly differed both in opinion and conduct with the right hon. gentleman—a difference of opinion which he hoped would be recorded, and on measures which he flattered himself would never be forgotten by the people, notwithstanding the able attempt of the right hon. gentleman to palliate and defend them. With regard to the hint from the right hon. gentleman, not to mix up the Catholics with this question; perhaps he did not know, that, as the bill originally stood, there could have been no Catholic meeting to petition the legislature, and that, since the first presentation of it to the House, a clause had been introduced to remedy this defect.—After some other observations, Mr. Hutchinson con-

cluded by asking leave to bring up his clause.

Mr. *Plunkett* assured the hon. and gallant general, for so he believed, without meaning to deny his learning, he must call him [a laugh], that he did not feel his temper at all ruffled. The hon. and gallant member quarrelled with the observations he had made to the House; but the hon. and gallant member should recollect, that he had been reluctantly compelled to address the House in consequence of an appeal from the hon. and gallant member. But the hon. and gallant member complained, that his argument was bad. If it was so, he assured the hon. and gallant member it was not intentionally so. He was called upon to say, why the Bill should extend to Ireland, when Ireland was not disturbed? Why, many English members for counties perfectly tranquil, voted for the extension of the Bill to the whole kingdom,—and with reason. A system of violence and intimidation was now pursued, which, though his country was not deemed particularly timid, would have its effect there also. It was like the stone thrown into the water—circle succeeded circle; every new proselyte added to its power, every one who was terrified became the instrument of intimidation; if it went on, he knew not where it would end. He regretted the less the extension of the bill to Ireland, because all legitimate meetings there, being generally held in rooms, would not be affected by the bill.

Mr. *R. Martin* contended for the necessity of including Ireland in the operation of this bill, for the purpose of more effectually ensuring the stability of both countries.

Mr. *Tierney* wished to know on what principle it was, that if, in 1817, when the danger was greater than it was now, Ireland was excluded, while now, with no other difference than that she was more tranquil, the bill was to be extended thither? She was then open to all the mischiefs which were now held forth, and the additional danger of Spenceanism, which was no longer talked of.

Lord *Castlereagh* denied that the danger was greater in 1817 than it now was. It was now more systematic and dangerous. The measures were of a description to show that vigilance and permanent measures were necessary to suppress it. The extension to Ireland served to show the measures to be permanent and general. The House would, therefore, extend its protection to Ireland against an evil by which, though not now visited, she might be afflicted at no distant period.

Mr. *Brougham* said, it was a somewhat whimsical mode of arguing in the noble lord, when the necessity for strong measures was questioned, to hold up their severity as a proof of their necessity. In 1817, according to him, they had only the suspension of the Habeas Corpus—a common rod; now, said he, we have a whip of scorpions. The noble lord had forgotten that at the former period of alarm, the danger was deemed to be as great as at the present moment; so it was nearly in 1812; so it was in two or three cases during the war. If any gentleman would look into the reports of 1817, and measure the danger by the assertions to be found there, he would rest his claim to his vote in his declaration, whether the dangers were not greater then than now? There was then a central committee in London, directing an organized system of disaffection throughout the country; the Tower was summoned; magazines were collected; bullets provided, though as it afterwards turned out, in the foot of an old stocking. The bridges were to be blown up, and the soldiers to be smoked in their barracks. He was mixing up, perhaps, the detection with the assertions; but on the comparison of the present dangers with those described in three reports, he would rest his case. As to Ireland, he could not do better than borrow from his right hon. friend the remarks he had on former occasions applied to that country. It was a most ungracious act to that country to declare her suspected before there was a ground for suspicion; to hasten to declare her guilty, or about to become guilty, though there was not the shadow of a charge against her. As in private life there was no more certain way to make a man unworthy of trust, than to distrust him when there was no need, so he feared it would be found with Ireland. This was not the way to regain those who were lost, or to retain those who were well affected.

The House divided—For the amendment, 69; Against it, 265: Majority, 196.

*List of the Minority.*

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|---|---|
| Althorp, lord | Bennet, H. G. |
| Anson, hon. G. | Benyon, B. |
| Baring, sir T. | Bernal, R. |
| Barnett, James | Brougham, B. |

Browne, Dom.
Burdett, sir Francis
Calcraft, John
Calvert, C.
Clifton, viscount
Denman, Thomas
Denison, W. J.
Dundas, hon. L.
Dundas, Thomas
Ellice, Edward
Ferguson, sir R.
Fitzgerald, lord W.
Fitzroy, lord C.
Foley, Thomas
Folkestone, lord
Grant, J. P.
Graham, Sanford
Graham, J. R. G.
Griffiths, J. W.
Harvey, D. W.
Hill, lord A.
Honeywood, W. P.
Hume, Joseph
Heron, sir Robert
Kingsborough, lord
Kinnaird, hon. D.
Kennedy, J. T.
Lamb, W.
Lamb, G.
Lambton, J. G.
Latouche, R.
Latouche, J.
Maberly, John
Maberly, W. L.
Moore, Peter
Nugent, lord
Palmer, C. F.
Parnell, sir H.
Parnell, W.
Powlett, hon. W.
Pringle, J.
Perceval, S.
Ricardo, D.
Robarts, W.
Robarts, A.
Russell, lord W.
Rancliff, lord
Scarlett, J.
Scudamore, R. P.
Stewart, W.
Stuart, lord J.
Tierney, rt. hon. G.
Thorp, alderman
Tavistock, marquis
Waithman, alderman
Webb, E.
Walpole, H. G.
Whitbread, W. H.
Wilson, sir R.
Wood, alderman
Wharton, J.

TELLERS.

Duncannon, viscount
Hutchinson, hon. C.

The Bill was then passed.

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## HOUSE OF COMMONS.

*Tuesday, March* 14.

REFORM OF PARLIAMENT.] Lord *John Russell* rose and said: Mr. Speaker; The House will readily believe, that it is with no common feelings of anxiety that I rise to address them on the present occasion. In private life there is no task more painful, or more inviduous, than to tell an individual of his faults; and those who have had occasion to address this House on any question connected with reform, have found it no less irksome a duty to point out defects, and require amendment, in a numerous assembly. This difficulty, I am aware, has been much increased since last year, when I gave notice of my intentions. It is impossible not to see, that there are two parties dividing the country, both greatly exasperated, and both going to extremes: the one making unlimited demands, and the other meeting them with total and peremptory denial: the one ready to encounter any hazard, for unknown benefits, and imaginary rights; the other ready to sacrifice, for present security, those privileges which our ancestors thought cheaply purchased with their blood.

Yet, if I were inclined to maintain, that this moment is peculiarly favourable for entertaining the question of reform, I might cite an authority much respected in this House; I mean that of Mr. Pitt. On bringing forward, in May, 1783, resolutions, two of which are not very different from those which I shall have the honour to propose to the House, he is said to have stated, "that the disastrous consequences of the American war, the immense expenditure of the public money, the consequent heavy burthen of taxes, and the pressure of all the collateral difficulties, produced by the foreign circumstances, gradually disgusted the people, and at last provoked them to 'turn their eyes inward on themselves,' in order to see if there was not something radically wrong at home, that was the cause of all the evils they felt from their misfortunes abroad. Searching for the internal sources of their foreign fatalities, they naturally turned their attention to the constitution under which they lived, and to the practice of it. Upon looking to that House, they found, that by length of time, by the origin and progress of undue influence, and from other causes, the spirit of liberty, and the powers of check and control upon the executive government were greatly lessened and debilitated. Hence clamours sprung up out of doors, and hence, as was perfectly natural in the moment of anxiety, to procure an adequate, and a fit remedy to a practical grievance, a spirit of speculation went forth, and a variety of schemes founded in visionary and impracticable ideas of reform, were suddenly produced."* This, however, did not deter Mr. Pitt from proposing a plan which he thought calculated to preserve the constitution from decay. Soon after he says, "An Englishman, who should compare the flourishing state of his country some twenty years ago, with the state of humiliation in which he now beholds her, must be convinced that the ruin, which he now deplores, having been brought on by slow degress and almost imperceptibly, proceeded from something radically wrong in the constitution. Of the existence of a radical error no one seemed to doubt." Now, if we compare that period with the present, though indeed we have no foreign calamities to deplore, might I not urge that our expenditure and our burthens are qua-

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* See Parliamentary History, v. 23. p. 830.

drupled? Might I not show that undue influence is enormously increased? Might I not maintain, that we, the successful belligerent, are suffering all the calamities which defeat and disaster could produce?

But, Sir, however great may be the authority of Mr. Pitt, I cannot but feel that circumstances like those which he has described, have at present too much embittered our political parties, to allow me to think the present a favourable moment for a proposal of moderate reform. On that question, above all others, these extreme parties are in open hostility. The one would leave the fabric of the constitution, like the temples of Rome in her last days of empire, when they were found by the Goths covered with cobwebs, and falling to ruin from the neglect of their worshippers. The other party consists of those audacious men, who seek to raise their names from obscurity to fame, by setting a firebrand to this magnificent edifice, the glory of our Ephesus and of the world, which has been a sanctuary even to those who now wish for its destruction. Amidst these conflicting feelings, I know how hard it will be to obtain a hearing for those who wish to clear away the pollutions and impurities of an undue worship, but to preserve the fabric unimpaired. It may tend to reconcile these parties to my proposition, however, that those who have opposed any general plan of reform, should reflect that they have always said they were ready to correct a particular defect; and that those who are for the largest plan of reform, should recollect that sir Samuel Romilly, a warm reformer, said, a great object would be gained if only two or three government boroughs should be destroyed, and that the duke of Richmond, two years after he brought in his bill for universal suffrage, was the chief promoter of the bill for preventing corruption in the borough of Cricklade.

I will not now presume to enter on the abstract discussion whether uniform suffrage, or variety of suffrage, be the best principle of representative government. But thus much I think is clear, that a system founded upon variety of suffrage is the more liable of the two to corruption and decay. If the principle of uniform suffrage be adopted; if, for instance, all persons of 100*l.* a year have a vote, the system, whether good or bad, may continue always the same. But if the principle adopted be that of giving representatives to the largest cities, and richest towns, it is not possible but that cities must lose their importance, and trade transfer its seat. It is for this reason I conceive that the ancient practice of our constitution allowed the greatest facilities for changing the places entitled to send members to parliament. As towns rose into importance they received a writ from the Crown, requiring their services in the great council of the nation: others, which fell into poverty and insignificance, obtained an exemption from this charge; Maldon, in Essex, for example, received a charter allowing the borough no longer to send burgesses to this House, on condition of maintaining a bridge. But there was another mode by which large and important districts received the right of taking part in the deliberations of the state. No one, who has read the speech of Mr. Burke on conciliation with America, can forget his description, as true as it is eloquent, of the manner in which the privilege of having representatives has been conferred at various times by act of parliament. Wales, for two hundred years, was vexed by rapine and violence: fifteen penal statutes were passed against that unhappy country: the remedy was at last discovered; it was representation: Chester suffered the evils of exclusion from the sympathy and protection of her governors, and parliament gave representation; Durham a long time after was found to suffer from the same evils, and representation was still the remedy. The case of Haverfordwest offers, perhaps, the most direct precedent for what I shall hereafter move; for eight years after a representation was granted to Wales, a special clause in an act of the 34th and 35th Hen. 8th extended that privilege to Haverfordwest In the Chester act, the preamble is most remarkable, and although before quoted, I cannot refrain from reading it. "To the king our sovereign lord, in most humble wise shown unto your excellent majesty, the inhabitants of your grace's county palatine of Chester, That whereas the said county palatine is and hath been always hitherto exempt, excluded, and separated out and from your high court of parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and political maintenance of the commonwealth of their said

country: and forasmuch as the said inhabitants have always hitherto been bound by the acts and statutes, made and ordained by your said highness and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been that have had their knights and burgesses within your said court of parliament, and yet have had neither knight ne burgess there for the said county palatine; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the common wealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same."—Now, if any member of this House should say, that to grant representatives to a part of the kingdom which has not hitherto enjoyed that right is a novelty in this country, I will refer him to this act, and show him the principle consecrated in a statute more than three hundred years ago. Or if any one should maintain that those who are not represented suffer no grievance, and require no redress, I will point to the preamble which I have just read, as an authentic and solemn record of the evils which flow from an exclusion from this House.

The wholesome practice of altering and enlarging the basis of representation continued till the end of the reign of Charles the 2nd. The Durham act was passed in the 25th year of that king; and Newark was for the first time summoned by writ during that reign. At the æra of the Revolution, this practice seems to have ceased. A day's proceedings in this House, which I need not detail, show that the great authors of the Revolution seem to have been unwilling to disturb the state of the representation: they probably thought that having cut off one of the three great branches of the government, it would be unsafe to attempt a change in one of the other two, and that any further alteration might shake the frame of the whole constitution. This disposition, which they brought into the practice of administration, seems, at the time of the union, to have been introduced into the substance of the law. From that period it has been generally considered that the king no longer enjoyed the right of sending writs to unrepresented places, as the proportion between the two countries of England and Scotland would by that means be changed. But by this departure, a necessary departure perhaps, from the old custom of England, two great evils have been introduced.

The first is, that small decayed boroughs, finding their suffrages eagerly sought for, have sold their seats to the highest bidder. The second is, that towns and districts have risen to great importance from their trade, population, and manufactures, and have not been admitted to parliament. A third evil, flowing from the two former, has also made itself very sensibly felt; namely, that the House of Commons has been found in various instances not to represent the people.

The first of these evils is too notorious to require that I should dwell upon it. In the instances of Shoreham, Cricklade, and Aylesbury, the abuse has been acknowledged by the House. In that of Aylesbury, as it appears from the evidence, a mark of infamy was affixed to the houses of those voters who were too honest to receive the usual bribe. Now, it is a mockery to say that, in such a case, the present system "works well." One of the least evils which can happen is, that the managers of the borough apply immediately to the secretary of the treasury, who recommends two friends of undoubted solvency and approved steadiness. This is one of the most respectable modes of these boroughs being represented; yet even this secures the votes of the members to government, and the patronage of the treasury to the managers of the borough. But, it often happens, that speculators expend the surplus of their wealth, or sometimes their whole fortune, to obtain a return to parliament. Their object in wishing for the honour of a seat in this House, is often far from being the public good. They have either debts owing them by government, which they require to be paid, or suspicious accounts which they wish to be settled; they either hope to repair their poverty with office, or to crown their fortune with a coronet. These are the men whom every good administration must dislike; for the necessity of conciliating their favour withdraws the government from that which ought to be their wish,—the task of gaining the unbought approbation of their country. We are often told that the publication of the debates is a corrective for any defect in the composition of this House. But

to these men, such an argument can by no mean apply; the only part they take in the affairs of this House, is to vote in the majority; and it is well known that the names of the majority are scarcely ever published. Such members are unlimited kings, bound by no rule in the exercise of their power, fearing nothing from public censure in the pursuit of selfish objects, not even influenced by the love of praise and historical fame, which affects the most despotic sovereigns; but making laws, voting money, imposing taxes, sanctioning wars, with all the plenitude of power, and all the protection of obscurity; having nothing to deter them but the reproach of conscience, and every thing to tempt the indulgence of avarice and ambition.

The second evil is easily ascertained by looking at the history of those towns, which, during the last century, have grown up into importance. Thus, Manchester, which in 1778 had only 23,000 inhabitants, is now supposed to have 110,000. Leeds had, in 1775, 17,117; in 1811, 62,534. Birmingham had, in 1700, 15,032; in 1811, 85,753. Halifax had, in 1764, 41,000; in 1811, 73,000. Sheffield, in which the first brick-house was built in 1696, had, in 1811, 35,840 inhabitants, Now, Sir, it is very evident that these places suffer a serious inconvenience from the want of representatives. It is said, to be sure, that they are represented by the members for the counties in which they are situated. But those members, however well inclined they may be to do their duty to their constituents, are often of different station and habits of life. They have not the knowledge requisite for stating the grievances and the wants of manufacturers. And when we consider how many questions relating to trade, to the poor-laws, to the laws of combination, and of particular taxes, deeply affect the manufacturers, we cannot but allow the justice of their desire to be represented. Even should their grievances not be redressed, it will be a satisfaction to them to have their direct representatives in this House, who can state their complaints in the face of the ministers and of the nation. Sir, when this argument was pressed in 1782, it was victoriously answered, "Where is the petition from Manchester? Where is the petition from Sheffield?" I am aware that the argument now used will be very different. It will be said that the people of these towns are too clamorous; that we must not give way from fear. In answer to such an argument I would apply to the people the observation made by a right hon. gentleman (Mr. Plunkett) on the depositaries of power; "we must not be too critical in examining their conduct." We must recollect that we are their representatives. But if we should say to them, "Formerly we would grant you nothing because you did not ask; and now we will grant you nothing because you ask too loudly:"—if such should be the language used, this House, instead of being what Mr. Burke says it ought to be, —"the express image of the feelings of the people," will appear to be a hard-hearted and capricious governor.

It has been said by some persons that to give the elective franchise to the large towns, would be to introduce tumults and affrays. Such an argument, one should have thought, was not produced in England, but came from Naples, or from Spain; and indeed it is such as I have often heard from the mouths of the Spanish clergy. But in England experience has taught us that, so far from occasioning bloodshed, elections have tended to give a vent to the political animosities of the place, and after a violent canvass and tumultuous poll, the air has been cleared by the storm, and settled into serenity. Perhaps if there had been elections at Manchester, we should not have had to lament the unfortunate events which we all deplore. Sir, on this subject, I may quote the example of Westminster. It is not a year ago that my honourable friend near me (Mr. G. Lamb) excited the most outrageous disapprobation, being supposed to be the organ of an odious coalition. But he has no sooner shown himself attentive to the interests of this city, and a warm friend to the rights of the subject, than his appearance excites every where good humour and applause.—We have been very lately told that education, which ought to be a blessing, has been injurious to the population of the manufacturing districts. Sir, the fault is not in education; it is in the time and the circumstances which have accompanied it. Had the people received instruction, when they were rich it would have taught them frugality; had they received political rights at the same time they would have learnt the value of legal liberty. But they have received education when they were sinking into poverty, and they have received it without being admitted to poli-

tical power; they have eaten of the tree of knowledge, like our first parents, only to be conscious of their nakedness.

I come now to the most difficult part of the subject, namely, the separation which has on some occasions taken place between the opinions of the people, and the declared will of the House of Commons. I am aware of an objection urged by a right hon. gentleman opposite, that those who ask for moderate reform state the evil as broadly as those who ask for the most extensive reform. This fault I would endeavour to avoid. I do not wish to create illusion, and therefore I do not pretend to say that reform would make our government less inclined to war, which, it must be remembered, is the cause of our chief burthens. A fondness for war is not the fault of an oligarchical, but of a popular government. If we look to late events, we shall see that the French war was popular in its commencement; the American war was popular in its commencement. True, these wars would have been sooner discontinued if the voice of the people had been listened to; but then, on the other hand, the long administration of sir Robert Walpole would hardly have passed in peace with a more popular assembly. If we look farther back in our history, we may observe, that when we speak of our Edwards, and of our Henries, we dwell with the greatest delight upon those of our kings who had the greatest disposition for war, and the greatest opportunities of indulging it. If we look to other countries, we may see, that Venice and Genoa, two popular states, sent their fleets round Italy, for the purpose of meeting in destructive contests. If we look farther back, to the great republics of ancient times, we shall see that Athens ruined herself by failing in the subjugation of Sicily, and Rome by succeeding in the conquest of the world. We may, therefore, state that the wars, in which this country has been engaged, would still have been undertaken if the will of the people had been entirely consulted; and this view is confirmed by looking at the large proportion of county members who voted in the great majorities which have sanctioned our two last wars. Indeed, we might almost say, it is impossible that an assembly acting in the face of the people, *vulgi stante coronâ*, should continue, by immense majorities of every class of members, to sanction, year after year, a policy which created immediate and enormous burthens upon the people, entirely against the feelings of that people. Such a system could hardly continue even in the most despotic state; and it is only by carrying the feelings of the people with them, that a free government can lay on greater taxes than an arbitrary king. So firmly persuaded of this truth was Montesquieu, that he has devoted to it a whole book of his immortal work.

But, Sir, there are other questions materially affecting the interests of this country which are not equally decided by a deference for public opinion; amongst them are those questions which regard the expenditure, and are under the eye of this House in its important capacity of guardian of the public purse. In looking at the divisions on this subject, we shall find, that at the periods when those questions were most interesting, and excited the greatest attention, the majorities, instead of being as large as they have been on questions of war, have been singularly small; and on farther examining those majorities we shall find, that, instead of being formed of the fair proportions of county and borough members, they consisted almost entirely of the latter. On the famous motion of Mr. Dunning, in 1780, which was carried by a majority of 18, there appeared in the majority, consisting of 233, the large proportion of 69 county members; in the minority, consisting of 215, only 11 county members. This question, however, it may be said, was carried; but there was another division, of which I will read an account from a letter of sir George Savile, which I have seen quoted in another place: "The most uncourtly question we have had this year was, when after having voted the influence of the Crown increased, &c., we moved to address the king not to prorogue or dissolve us till we had effectually diminished it: we lost it in the proportion of six to five. In this question, the House being divided into classes, showed itself in the following proportions: county members, about three to one, the three being on the side of the minority; English borough members, about four to three, the four being on the side of the majority; the members of a certain long county, which sends a great many, eight or nine to one, at the least; Scotch members, nine or eight to one, at the least: Cinque Ports, about four to one." On referring to what took place two years ago, we shall see that questions of a si-

milar nature were then proposed in this House. In the beginning of 1817, there was a great cry for economical reform; in order to meet this cry the ministers proposed a finance committee. I do not blame them for so doing; for I think that the finances of this country are now so complicated, that they cannot be well examined except in a committee. Upon the composition of this committee, it is evident, depended the question whether our expenditure should be rigorously examined, and honestly corrected, or whether the same system of waste and extravagance should be continued and confirmed. If it was to be composed of independent and impartial men, we might expect the most useful results; if of the followers of ministers we could only look to laboured but flimsy apologies of the existing system of profusion. Sir, the proposal of ministers was, that, besides a great majority of ministerial supporters, five official persons should be members of the committee, in order to see all right. A division took place on the question of substituting the name of a country gentleman for that of lord Binning; for ministers there appeared 178, of whom 15 were county members; on the other side were 136, of whom 27 were county members. The consequence was, as might have been expected, that the reports of the finance committee were totally disregarded by the people. On the 28th of February, the same year, a division took place on the reduction of two junior lords of the Admiralty; when, of 208 who voted with government, 16 were county members; of 152 who voted for the reduction, 35 were county members, being more than double. Now, I do not mention these things as proving that county members alone ought to form the House of Commons, but as an index how totally opposite the decisions of this House have been, on some occasions, to those of the people. In support of the same thing I may mention, on the authority of Mr. Fox, that, although the Opposition were the popular party in 1780, yet they gained very few members by the general election. Even the last general election, decided as the voice of the people was, did not take much from the strength of the ministry.

I come now to the resolutions which I shall have the honour to propose: the two first declare, that when a borough is convicted of gross and notorious bribery and corruption, it shall cease to send members to parliament, and that a great town or county shall enjoy the right it has forfeited. On these heads I have nothing to add. The third declares, "that it is the duty of the House to consider of further means to detect and prevent corruption in the election of members of parliament." The meaning of this resolution is, that some means ought to be devised to give greater facilities in proving corruption in the elections in the smaller boroughs. Perhaps any person, not a candidate or a voter, ought to be allowed to complain of bribery in an election. The farther meaning of the resolution is, that a body appointed by this House ought to be enabled to decide, that a borough has lost by corruption its right of sending members to parliament. Some persons think, that this body ought to be a committee appointed under the Grenville act; and some are of opinion, that a second committee ought to be appointed. It is in order to avoid pledging the House on this subject, that the resolution has been expressed so generally. On this part of the subject, I hope the House will receive the assistance of the member for the county of Montgomery (Mr. Wynn), who, besides his learning, has hereditary claims to authority on this question.

The last resolution declares the opinion of the House, that the borough of Grampound ought to be disfranchised. The corruption of that borough was clearly proved before a committee of the whole House in the last session of parliament, and resolutions appear on the Journals to that effect. The question that remains is, whether Grampound ought to be thrown into the hundred. Now, supposing that all the principles I have endeavoured to establish are false, that all the wants of other districts are imaginary, I still think that there is enough in the peculiar situation of the hundred in question to prevent its receiving from parliament the return of the two members which Grampound is unfit to send. The hundred of Powdar in which Grampound it situated, is one of the most fertile of the whole kingdom in members of parliament. It contains Tregony, Truro, Lestwithiel, Fowey, and Grampound, besides three out of five voters of the borough of St. Michael. It will scarcely be contended by any one I imagine, that the hundred of Powdar is not sufficiently represented. Why, then, since Cornwall is in no want of representatives, and the hundred in

which Grampound is situated is already overstocked,—why not, I say, transfer the right of sending two members to a populous town? I know but of one objection, namely, the common one, that the innocent will suffer with the guilty. And the only answer I shall give, will be in the words of Dr. Johnson, in an argument he furnished his friend Mr. Boswell on the subject of a Scotch borough: "The objection," he says, "in which is urged the injustice of making the innocent suffer with the guilty, is an objection not only against society, but against the possibility of society. All societies, great and small, subsist upon this condition,—that as the individuals derive advantages from union, so they may likewise suffer inconveniences; that as those who do nothing, and sometimes those who do ill, will have the honours and emoluments of general virtue and general prosperity, so those likewise who do nothing, or perhaps do well, must be involved in the consequences of predominant corruption."

And here, Sir, I might close my case, were it not that a question has been asked by a gentleman, lately a candidate for the city of Exeter, which it is incumbent upon me to answer; and the more so, because I have no doubt that the same feeling has arisen in the breasts of some whom I most deeply love and respect. The question is, why not disfranchise also the unconvicted boroughs? To this I answer, that I do not by any means maintain that the resolutions I now propose comprise all the amendments that can be made in the frame of this House. Whenever a specific proposition is made, I shall be ready to give it all my attention, and if I can approve of it to adopt it. But I do not, at present, I confess, see any rule by which any unconvicted boroughs can be disfranchised without disfranchising the whole. We then arrive at what is called a reform upon a principle, or the reconstruction of the entire House of Commons. Now, Sir, I will not dwell upon the arguments which are generally used to repel such a proposition; arguments resting chiefly upon the advantage of admitting men of talent into this House, by means of the close boroughs; and on the danger that an assembly of popular delegates would overthrow the two other branches of the legislature. But I cannot forget that these arguments have been urged not, as some out of doors, endeavour to persuade the people, by boroughmongers anxious to defend their own vile interests, but by some of the greatest, the brightest, and the most virtuous men whom this country ever produced. I cannot say, however, that I give entire credit to these arguments, because I think, that in political speculation, the hazard of error is immense, and the result of the best formed scheme often different from that which has been anticipated. But for this very reason I cannot agree to the wholesale plans of reform that are laid before us. We have no experience to guide us in the alterations which are proposed, at least none that is encouraging. There is, indeed, the example of Spain. Spain was formerly in the enjoyment of a free constitution; but in the course of the fifteenth century many of the towns fell into the hands of the nobility, who, instead of influencing the elections of members to cortes (the practice so much reprobated in this House), prevented their sending members at all. The consequence was, that when a struggle took place between the king and cortes, the aristocracy, feeling no common interest with the representative body joined the crown, and destroyed for ever the liberties of their country. There is also the example of the present French constitution; but that is of too recent a date, not to say of too precarious a nature to make a rule for us to go by; we must come back then to our own laws. The constitution of this country is not written down like that of some of our neighbours. I know not where to look for it, except in the division into King, Lords, and Commons, and in the composition of this House, which has long been the supreme body in the state. The composition of this House by representatives of counties, cities, and boroughs, I take to be an intimate part of our constitution. The House was so formed when they passed the Habeas Corpus act, a law which, together with other wise laws, Mr. Cobbett himself desires to preserve, although with strange inconsistency, whilst he cherishes the fruit, he would cut down the tree. This House was constituted on the same principle of counties, cities, and boroughs, when Montesquieu pronounced it to be the most perfect in the world. Old Sarum existed when Somers and the great men of the Revolution established our government. Rutland sent as many members as Yorkshire when Hampden lost his life in defence of the constitution. Are we

then to conclude that Montesquieu praised a corrupt oligarchy? that Somers and the great men of that day expelled a king in order to set up a many-headed tyranny? that Hampden sacrificed his life for the interests of a boroughmongering faction? No! the principles of the construction of this House are pure and worthy. If we should endeavour to change them altogether, we should commit the folly of the servant in the story of Aladdin, who is deceived by the cry of "New lamps for old." Our lamp is covered with dirt and rubbish, but it has a magical power. It has raised up a smiling land, not bestrode with overgrown palaces, but covered with thickset dwellings, every one of which holds a freeman enjoying equal privileges and equal protection with the proudest subject in the land. It has called into life all the busy creations of commercial prosperity. Nor, when men were wanting to illustrate and defend their country, have such men been deficient. When the fate of the nation depended upon the line of policy she should adopt, there were orators of the highest degree placing in the strongest light the argument for peace and war. When we were engaged in war, we had warriors ready to gain us laurels in the field, or to wield our thunders on the sea. When, again, we returned to peace, the questions of internal policy, of education of the poor, and of criminal law, found men ready to devote the most splendid abilities to the welfare of the most indigent class of the community! And, Sir, shall we change an instrument which has produced effects so wonderful, for a burnished and tinsel article of modern manufacture? No! small as the remaining treasure of the constitution is, I cannot consent to throw it into the wheel for the chance of obtaining a prize in the lottery of constitutions.— There is yet another person who resembles Nestor in nothing but his age, who tells us that the people have a right to universal suffrage which is derived directly from heaven. No one is more inclined to allow the most extensive rights to the people than I am. I allow that they have a right, if they will, to overthrow their government; that they have a right, if they will, to exercise the sovereignty collectively. But representation is the invention of society, and I cannot allow that the people have any natural right to meet in their parishes and choose members of parliament by putting white and black beans into a box.

Sir, I have but one word more. It is to entreat the government, whether they accept of these resolutions or not, to adopt some measure tending to conciliate the people. The history of all free states, and particularly of that one on which Machiavel has thrown the light of his genius, demonstrates that they have a progress to perfection, and a progress to decay. In the former of these, we may observe, that the basis of the government is gradually more and more enlarged, and a larger portion of the people are admitted to a share of the power. In the latter the people, or some class of the people, make requests which are refused, and two parties are created, both equally extravagant, and equally incensed. In this state, when the party which supports the government loses all love and respect for liberty, and the party which espouses liberty, loses all attachment and reverence for the government, the constitution is near its end. Without any common attraction to the established laws of their country, each is ready to call in force to subdue the other; and it is in the power of an ambitious king, an ambitious general, or an ambitious demagogue, to extinguish the liberties of his country, as easily as these lights above our heads will be put out after the debate! I now beg leave to move the following resolutions:—

1. "That it is expedient that all boroughs, in which gross and notorious bribery and corruption shall be proved to prevail, should cease to return members to serve in parliament; provision being made to allow such of the electors as shall not have been proved guilty of the said offence, to give votes at any election to be held for the county in which such boroughs shall be respectively situated.

2. "That it is expedient that the right of returning members to serve in parliament, so taken from any borough which shall have been proved to have been guilty of bribery and corruption, should be given to some great towns, the population of which shall not be less than 15,000 souls; or to some of the largest counties.

3. "That it is the duty of this House to consider of further means to detect and prevent corruption in the election of members of parliament.

4. "That it is expedient that the borough of Grampound, in which gross

and notorious corruption has been proved to prevail, do cease to send members to this House."

The first resolution being put,

Lord *Normanby* rose to second the motion. He said, that the grounds on which he might have troubled the House had been much narrowed by the speech of his noble friend: he should not therefore, enter into the detail of precedents which his noble friend had so ably examined, but state at once the general grounds on which he supported the motion. On former motions for reform, it had been a favourite argument to contrast the advantages of the present system with the dangers of a change. This argument had great weight with him when a practical good was opposed to a theoretical one; but when his noble friend proposed to touch nothing but what was as essentially bad in practice as it was erroneous in theory, this reasoning would not apply. The only question which could be raised on the disfranchisement of places convicted of corruption, was the abstract question of the property of the voters in their franchises. In his opinion, the word property did not apply. The privilege of voting was not property but a public trust, conferred for the benefit of the community at large—that trust which the voter delegated to his representative, had been delegated to him by the community at large. The nation had an interest, not only in every election, but in every vote. If the voter twisted his trust to the purpose of corruption, he forfeited his franchise; and if the majority of voters were so corrupted as to influence the whole return, the franchise or trust of that larger portion was as clearly forfeited, and should be transferred to some other place, which, from its size, wealth, and populousness, comprised the largest portion of the national interests [Hear, hear!]. He admitted all the evils of those itinerant demagogues, who went about the country and sought only the overthrow of that constitution which they pretended to reform; but the present motion would, if agreed to, have the effect of destroying the influence of such men, by placing the reform of abuses in hands from which a safe and effectual remedy might be expected. What could be a greater right than that of selecting a member of the legislature? and if that right was bartered, was it not proper that it should be forfeited? The member who should come into parliament by the purchased suffrages of the people might, it was possible, be an independent man, but it was not unreasonable to suppose that he would barter what he bought, and at all events such a member was any thing but a representative of the people. If the House should reject the proposition of his noble friend, what would be the remedy for the evil of which he spoke? He might be told that the right which was abused might be extended to the neighbouring hundreds. That in itself, he admitted, would be good; but would it transfer the right from those who had abused it, to places which had a greater stake in the country? The extension of the suffrage to the hundreds might, it was true, lower the price of corruption, but it would at the same time increase the market, and certainly would be very little, if any punishment, to those places who had been guilty of a violation of so great a privilege. If the House refused this motion, what security had they for the future independence of those places which had heretofore abused their rights? What guarantee had they that those persons would not still deal in that Cornish article of manufacture—a member of parliament? Such a man so brought into the House might, as he had observed, be an independent man; he might be a Whig or a Tory, or belong to no party; but this was certain—that he could not be looked upon with confidence by the people. If the right of voting, in cases of its abuse, should only be extended to the neighbouring hundreds, would it not leave to the party the same power of abuse as before? But it should be recollected also, that the freeholder of the hundred would have a vote for the county, and by this extension of suffrage a man might have a vote in several places—might have almost a little parliament of his own selection. Would it not, he asked, be much more wise to give the suffrage to those who did not possess it before, than to double the votes of those who could so abuse that great right? He would ask, if the House refused the present motion, how could they refute the attacks of those seditious demagogues who went about poisoning the minds of the people against them? Would not the refusal give them a new subject for violent invective? In his mind, the extension of the suffrage to large towns, which would exercise it without corrup-

tion, would have the effect of draining off that stagnant pool of discontent which at present existed in the country, and which, when stirred, was calculated to breed a pestilence. His opinion on this subject was grounded on the experience of the state of public feeling in different parts of the kingdom. In the overgrown village of Manchester, there was manifest a restless and discontented feeling, while in the represented towns of Leicester and Derby, the same degree of irritation was not known [Hear, hear!]. He conceived it his duty thus to express his sentiments in favour of the motion of his noble friend. When his noble friend had first given notice of these resolutions in the last session, he had pledged himself to support them. He had since seen nothing which did not tend to make him more secure in that opinion. The motion broached no theory; it denied none. It presented a clear and efficacious remedy for an acknowledged evil, and went no further. The noble lord expressed a hope that gentlemen would seriously consider the consequence of rejecting the proposition of his noble friend. For that consequence must be to excite an apprehension, if not a belief, in the country that, however plain and palpable the abuses in our representation might be, or however rational, moderate or definite the remedy proposed, that House was not disposed to entertain any proposition upon the subject. He did not call upon the House to accede to his noble friend's motion with any view or expectation of conciliating those demagogues who spoke so much of chimerical plans of reform out of doors, but in order to satisfy the rational, temperate and sober part of the people. The House was called upon, for the maintenance of its own dignity, as well as in the performance of its duty to the country, to withstand the objects of the former, while it was peculiarly bound to consult the wishes, and to attend to the desires of the latter; and there could be little doubt of the fact, that all the reflecting, intelligent and unbiassed men in England were of opinion that a reform was necessary in the system of the representation of the people in parliament. To this opinion then it behoved that House to pay the most respectful attention; for the best security of the constitution was founded in public opinion. All the external ornaments, all the imposing forms of the constitution might remain but its solid foundation was shaken, if deprived of popular affection, for this affection was the great fundamental principle, upon which alone it could safely rest, and upon that affection, no reasoning man could calculate, if abuses and errors were to go on accumulating, without reform or remedy. This reform or remedy, too, should at once be adopted; for if postponed, while abuses and errors went on undermining the constitution, late amendments might only serve to weaken the fabric, and accelerate its fall. On these grounds he wished the House promptly to direct it consideration to this important subject.—[The noble lord sat down amidst loud and general cheers].

Lord *Castlereagh* rose, he said, at this early stage of the debate, for the purpose of submitting a few observations, with a view to direct the attention of the House to the real question which it was called upon to consider by the nature of the noble lord's motion. It was his wish that gentlemen, in discussing this question, should not allow themselves to travel into the unfathomable abyss of debate, to which party spirit or abstract theories might lead. The example of the noble mover would, no doubt, have its due weight with other gentlemen. That noble lord had, indeed, debated the question with a temper that was highly creditable to his judgment, and which naturally disposed his mind to make every practicable concession to the noble lord's wishes. In keeping aloof from the language and temper of the wild theorists who had lately agitated the country, the noble lord had pursued the course that was best calculated to conciliate the House and to promote his own object. Still, he must say, that the noble lord had sometimes fallen into the error of making an approach to those principles which the theorists whom he disavowed were forward to maintain. The noble lord had, indeed, dealt more in general topics of reform than was strictly consistent with the end which he had in view, or with the motions which he had brought forward; but still the noble lord's speech was, on the whole, of a moderate and conciliatory character. There was, at present, a peculiarly morbid sensibility upon the subject of reform prevailing in the country, and it seemed not at all probable that the proposition of the noble lord would give any degree of satisfaction to those who were affected by that sensi-

bility; but he assured the noble lord that he did not mean to press this circumstance as any argument against the motion. However, he must say, that while a spirit was abroad, and actively at work to depreciate the constitution of that House, the House itself should be cautious of recognizing any general principle that might serve to aid the object of those agitators. England enjoyed a system of popular representation, infinitely better calculated to answer all the good purposes of such a system than any other country had the fortune to possess, and the character of that system should be defended against every possible attack. Those who were in the habit of making those attacks were not, he repeated, at all likely to value much the object of the noble lord, while they might probably deem any step towards reform rather as a concession from the fears, than as a vote from the judgment of the House. But still he did not mean to urge this as a plea in bar to the noble lord's motion. When the noble lord gave notice last session of this motion, there was not the same ferment in the country upon the subject of reform; and having pledged himself on that occasion to bring the motion forward, he was called upon to redeem his pledge, and the noble lord had done so in a proper spirit. The noble lord had, however, rested too much, in his (lord C.'s) apprehension, upon what he regarded the theoretical defects of the constitution, without duly considering the utility and advantage belonging to its practical operation. In the course of his speech, also, the noble lord had argued as if every instance of borough abuses occurred among those who sat upon a particular side of the House—as if, indeed, those only on the ministerial side had any interest in maintaining borough patronage. But if the noble lord inquired a little of the gentlemen around him, he would find this to be a very great mistake. It was a mistake also to assume that gentlemen on the ministerial side had not enjoyed any proofs of popular confidence, as there were some gentlemen on this side who had, he believed, quite as many constituents as the same number of gentlemen on the other. He would not, however, dwell upon those points of dissent or difference, but proceed to consider rather those points upon which he was disposed to concur with the noble lord; and it would appear, on consideration, that there was less difference between him and the noble lord than might be anticipated. When they came fairly to understand the practical course which might be adopted upon a general view of the representation of the country, he was sure they would come to a perfectly good result; and that the House would not be placed in a situation, when the present state of the country was considered, substantially to differ on the real principle involved in the noble lord's motion, or upon those practical steps which the wisdom of parliament might point out. The apparent sense of the noble lord's propositions was, that where places now sending members to parliament were proved, to a certain degree, to have been guilty of corruption, in equity affecting the rights of the majority of the electors, they should be dismembered of those rights as an example to others, and that the elective franchise so abused should be placed in the hands of more deserving bodies, and more in consonance with the interests of the community. To that principle he had not a single sentiment to oppose; on the contrary, it was a principle which had been recognized by parliament, not merely in theory, but in practice; and that the principle had not been carried farther was to be attributed to the judicial difficulties that stood in the way of the application in particular cases which had arisen. In the course of the last session, three, if not four cases had occurred, in which this principle had been admitted by both sides of the House; and the only question which arose was, as to the facts of those cases, and the mode in which the principle was to be applied to those facts. He believed that one bill had actually been sent to the other House of Parliament; but, in all events, the inquiry into the course which was to be adopted in cases of corruption had considerably advanced at the close of the last session; and he confessed that at no period should this subject receive the least resistance from him; on the contrary it should always be met with the most cordial co-operation [Hear, hear!]. The House had distinctly agreed, that if any borough abused its franchise in proceedings at elections, it should be disfranchised, and its privileges applied to the general representation of the country. To this proposition he acceded, and he of course supposed that, in the course of this session, the House would proceed upon the same principle. That the House had not proceeded in the cases which

were before it during the last session, he presumed, was to be attributed to the impolicy of bringing parties up to town upon inquiries, the pursuit of which the business before parliament might greatly retard. But it would be recollected, that during the former session he had expressed no disposition to prevent the House from looking into those cases, or from adopting such conclusions as the facts established on the records might warrant. Now, when the case of Grampound was before the House, if the view which the noble lord was disposed to take of that borough were correct, he saw nothing which could prevent him from coming to a concurrent vote with the noble lord for its disfranchisement: but a question of great moment still remained; and that was, what would they do with the franchise of the borough? It was very likely, although he was not prepared to pledge himself to that opinion, that when he came to look at the difficulties which might arise, in applying the species of reform to that borough suggested by the noble lord, he might think it impolitic, and therefore oppose it; or he might, on the other hand, perfectly agree in the expediency of throwing the franchise into the district connected with the borough. All this must necessarily depend upon the circumstances of the case. But he thought it stood confessed on the very face of the representation of Cornwall, that the description of reform suggested by the noble lord would be extremely inapplicable to a part of the country so situated. It was manifest that such a reform would be best, if at all, applied to boroughs situated in counties having but few places of representation. It was therefore very obvious, that the reform broached by the noble lord was not applicable to every county, under every circumstance; but, on the contrary, might, under peculiar circumstances, be productive of positive mischief. It was in this view of the question that he thought the noble lord's plan would in some cases be attended with irreconcileable difficulties, and therefore he could not but deprecate its adoption by the House. He was not inclined, nor would he then take upon himself to say, that the franchise of a borough might not be extended to the circumjacent county; but he would say, that many cases might be offered to the consideration of parliament in which an objection might present itself to such an arrangement. With these feelings he could not but conclude, that the system laid down by the noble lord in his resolutions was founded upon very imperfect data, and its application likely to meet with obstructions, in many cases, which it would be impossible for all the wisdom of parliament to obviate. It was altogether an abstract theory, in the practice of which inevitable difficulties must arise. It was not probable, in fact, that some cases would not arise, in which the *norma* of the noble lord would operate as an embarrassment to the very objects which he had in view. In the event of a borough being disfranchised, taking it for granted that this punishment would only extend to those who had been proved guilty of corruption, what would become of those electors whose rights had not been extinguished? Upon the principle of fairness, the only mode of disposing of those householders, or potwallopers, as they were called in Ireland, would be, to throw them upon the county, and to give to them the privilege of freeholder. Would not this, he would ask, be a complete anomaly and an infringement upon the rights of freeholders? If the noble lord, therefore, reviewed steadily the consequences which might fairly be expected to result from his system, he would see that there were difficulties which could not be overcome. To enter resolutions on the Journals of the House, too, founded on abstract principles, which were not applicable to all cases, and could only be applied under peculiar circumstances of a local character, must necessarily produce great inconvenience: he would therefore submit to the noble lord, and to the House, whether it would not be a more natural course to take up at once the case in which reform was contemplated, and apply to it those arguments which its peculiarities might justify [Hear, hear!]. He could assure the noble lord, that if he asked for leave to bring in a bill to disfranchise the borough of Grampound upon the grounds which he had stated, that he would not throw the least difficulty in his way [Hear, hear!] He was perfectly willing to recognize such a course; and, in the discussion of that bill, the House would have an opportunity of determining in what manner the representation of the borough should be disposed of. Although he was not prepared to say that he would exactly adopt the arrangement which

might be proposed, yet he saw sufficient reason to bring the question fairly to issue. He saw no danger in applying different principles of reform to cases which were opposite in their local character. Such a proposition was perfectly consistent with what he considered a constitutional reform; but if the abstract principles laid down by the noble lord were acceded to, he thought there was fair ground to apprehend that they might be made use of to put down that part of the representation which was not in conformity with the *norma* of the noble lord, and which was the peculiar excellence of our constitutional representation. It was from this feeling that he thought the attention of parliament should be called to the special circumstances of each case. The House would then, while they were acting upon the maxims of the noble lord, take care that those maxims were not turned to the destruction of the constitution. He did hope that when the noble lord (and he had every confidence in his prudence) looked to this question, he would see the impolicy of unnecessarily exciting a feeling of discord; and the more especially when he assured him, that he was disposed to co-operate with him in the most cordial manner, for the purpose of obtaining, by a more practical remedy, the reform which he had in view [Hear, hear!]. He had, therefore, to entreat that he would take the particular instance to which he had alluded, and found a bill upon it. If the noble lord looked to all the peculiarities of Cornwall, he would see the impracticability of applying his system to that part of the country. From this he could not fail to observe the impolicy of adopting a fixed principle: the mischiefs which would arise were self-evident: whereas, if each case, accompanied by its peculiar circumstances, were brought before parliament, then the question might fairly be discussed as to the mode of disposing of the franchise—whether to extend it to the adjacent county, or to populous towns which were not previously represented. He did deprecate, however, in these days, their combating shadows, where there was so much of substance in danger. He could assure the noble lord of every co-operation and support in every proposition which he might make consistently with the general views of policy which the preservation of the true spirit of the constitution of parliament might justify; but he must object to the introduction of any measure which was calculated to furnish a ground for discontent out of doors, or to bring into discredit the representation of that House [Hear, hear!].

Mr. *Tierney* declared, that he never rose with more of the spirit of moderation, or with more of a disposition to harmony than he felt at that moment; and in the first place, he must thank his noble friend for the opportunity which he had afforded the House of unanimously and decidedly discountenancing the wild and visionary doctrines of reform which had lately agitated the country. But while he must say, that he could not see the force of the noble lord's objection to some parts of the speech of his noble friend, he was pleased with the points upon which the noble lord expressed his disposition to acquiesce. The noble lord, if he correctly understood him, and he was not disposed to misrepresent, had acceded to this proposition—that if the majority of the electors of any place or borough, should be found to have conducted themselves corruptly, the right of voting for such place or borough should be thrown upon the adjoining districts, or the right of return should be transferred to some other district. But then the noble lord had raised an objection to that of his noble friend's plan, which proposed to confer the right of voting for the same county upon such electors as had not acted improperly, but as might be involved in the disfranchisement of any borough. To this proposition, the noble lord had said, that its adoption would serve to create an anomaly, by giving potwallopers the right of voting for the return of a county member. But to such an anomaly he thought no very serious objection could be urged. If the right of voting for a county were given to the present potwallopers, *non constat*, that that right should descend to their successors. He did not indeed think that any county member would be adverse to the votes of such persons, or to those of the householders of a borough, more particularly as the right of voting, in either case, could only be demanded for the persons living at the time of the disfranchisement of any borough. The only question, then, which remained between his noble friend and the noble lord, was as to the establishment of a system, as the noble lord termed it. He himself (Mr. T.) had a system upon the subject of reform, but he was willing to

waive that system, and to take all he could get at any time towards amending the state of the representation; and to guard against any objections that might be made to him, in consequence of this sentiment he had only to refer to his known opinions respecting reform—these opinions he was indeed ever ready to avow. But to return to the motion—trusting to the moderation of his noble friend, he took the liberty of advising him to withdraw it, in consequence of the declaration of the noble lord. His noble friend had the promise of the noble lord's support of a bill which was calculated to do some good for the cause of reform. The noble lord's pledge was no fetter upon the discretion of his noble friend, and the redemption of that pledge would form a good omen for the country. At all events, it would recognize this principle, that election corruptions were in future to be discountenanced and punished. When a borough was to be disfranchised for such corruption, the only question, according to the noble lord, that would then remain, would refer to the manner in which that franchise should be disposed of. That franchise should, in his opinion, be transferred to some populous place. It was notorious that times and circumstances had created a very material difference with regard to some of these places, which at present possessed the right of returning members to that House. Many places had indeed sunk into comparative insignificance upon which that right was formerly conferred in consideration of their wealth and population. Was it not then obviously fair, that when any such places forfeited their franchise by improper conduct, that franchise should be transferred to Leeds, Manchester, Halifax, or some such popular town [Hear, hear!]? Sure he was, that such a transfer would be hailed by the people as a good omen of the disposition of parliament. But the principle for which he was an advocate, was the same as that acted upon by the noble lord himself, and by Mr. Pitt, in the arrangement of the Union, as in that case the right of returning members to parliament was reserved for the counties and the larger or more populous towns, while it was granted to but a very few boroughs. This he deemed a sort of parliamentary reform, and therefore he supported it. Upon that precedent, then, he hoped the noble lord would act in this country, and that upon his noble friend's proposition to transfer the right of return from Grampound to Leeds, the proposition would be supported by the noble lord. At all events, he trusted his noble friend would act upon the spirit of conciliation which had been evinced this evening by one member of the government, and that without hesitation he would withdraw his motion. The right hon. gentleman concluded with expressing his pleasure, that, after so many angry discussions of late, the House had had one quiet debate, terminating in a result which, he was persuaded, would be satisfactory to the country.

Lord *Castlereagh*, in explanation, stated, that the only difficulty which would remain on the disfranchisement of Grampound would be, as to the manner in which the right of return should be disposed of. That the return should be transferred to another district, he should have no objection, in consideration of the peculiar circumstances of Cornwall and the character of its municipal government. But he could not accede to the establishment of any general principle upon such transfers, and he must reserve to himself the right of moving an amendment upon any proposition, as to the place of transfer, which might be brought forward by the noble mover.

Mr. *Wynn* expressed himself satisfied with the view of the subject which had been taken by the noble secretary for foreign affairs. He preferred the proposition of the bill recommended by the noble lord to the general propositions brought forward by the noble mover, because it was much more satisfactory to reason from particulars to generals, than from generals to particulars.

Mr. *Valentine Blake* stated, that, with the permission of the House, he would shortly notice his reasons for opposing all the resolutions of the noble lord; at the same time he would not disturb the harmony which now so happily subsisted between the noble lord and the right hon. gentleman, by giving a negative to the particular point upon which they agreed. He lamented that this spirit did not commence some days sooner, as he was sure, if it had done so, the right hon. gentleman would have saved the House and the country much time and anxiety. He received with every respect the proposition of the noble lord, because there was no proposition, especially on the present subject, which the House would not feel disposed to receive from any member of the house of Russell; and this feeling was

increased in consequence of the temper, moderation, and talent with which the noble lord brought forward his motion. He principally objected to the introduction of any new law which would alter the frame-work of the constitution, especially as the one proposed did not remedy the acknowledged abuses of the existing law; and this he thought the House was bound in the first instance to do; for these abuses were such as to disgrace the representation, and to bring the constitution into disrepute, and it was only by an application of the proper remedy, that it now could be restored to its original vigour and beauty; and the consideration of the question of parliamentary reform was much prejudiced by the advocates for universal suffrage, annual parliaments, and election by ballot; for as by reference to the most undoubted authority, it must appear that those ingredients were not to be found in the fundamental structure of the constitution since it assumed a settled form, so it must follow that if they be now engrafted upon it, the change will amount to nothing less than revolution; for what is revolution but a change or alteration from one system or principle of government to another? The only difference would be as to the mode of bringing it about, as it would not be effected by force. The noble lord on the other side had eloquently described the original structure of the British constitution, and he (Mr. Blake) would add, that that structure was to be venerated, not only for its excellence, but also because it is the approved and tried work of the experience and wisdom of accumulated years. He was hitherto adverse to the consideration of this question, because it was impossible to approach it without its being mixed up with the most absurd and pernicious principles; but now those principles being almost entirely abandoned, he thought the time most apposite, but he considered the particular mode recommended as unjust and inapplicable to the evil. He could certainly urge many objections to the disfranchisement of a virtuous minority; and he would be unwilling to depart from ancient practice while we professed to follow it; but he would defer to the much better judgment of the noble lord. He considered the evil now complained of, to consist in the minor grievance of bribery only. Bribery and corruption were used as distinct terms in all resolutions of the House, and they had distinct meanings: bribery is a reward given to pervert the judgment of voters at a particular election, but yet the persons returned were the real choice of the people, having a right to choose: corruption is the vicious, debauched, and rotten system, by which a person or his nominee (neither having the constitutional influence arising from local property), is permanently returned as the representative of a particular place, when, in reality, to the inhabitants he is utterly unknown, having no interest that is not adverse to theirs, and consequently not returned by them. This is effected by the degrading and insulting voice of non-resident freemen, not freemen by birth, servitude, or marriage —no, he respected their rights, whether non-resident or not, but persons elected to the franchise, and unknown except by name, and all of the lowest order. Corruption of this nature is therefore infinitely more pernicious than bribery; because it is a permanent and degrading system of mock representation; and besides, bribery, from its nature, is only practised among the lower classes of freemen having titles by birth and such like; and he would not punish their offences, nor as the noble lord said, scrutinize their conduct too strictly, in times likes the present, when every allowance ought to be made for the distress of the tradesmen, which it will be the effect of the disfranchisement to increase; but to this he could never object ultimately, his present object being to begin with the rich and the affluent dealers. A great deal had been said about non-represented places, but he would beg to ask, whether Manchester or Birmingham would not much rather be without local representatives, than be insulted by having men returned as their representatives, when they had no share in the choice? The evil of this system has brought the character of the parliament into more disrepute than all the bribery that has ever been practised. The noble lord's motion is directed against bribery only, and therefore levelled against the lower orders, while the affluent nobleman is the object of particular protection —one class of voters much more numerous now than in former times; the freehold franchise is fourfold more extended; and in this point of view the constitution has gained much. Forty shilling freeholds were first created in the reign of Henry 5th or 6th, yet the number then must have been very small, because it was not

till the time of Henry 7th, the barons were empowered to alienate their estates, and it was subsequently of course to that time, that their tenants became possessed of freehold property; indeed, until this time, he believed, or near it, the agricultural people were respected little more than the other movable property belonging to the estate. Such certainly was the case in earlier times, as the words of Magna Charta demonstrate. If the House would not prohibit non-residents elected as freemen, it ought at least to put an end to the abuses of this right. In former times it was unknown in all corporations; it crept into some, and the vigilance of the parliament in the reigns of the Henries before alluded to, put an end by statute to the continuance of it; but those salutary acts were subsequently disregarded, and finally they were repealed only in the present reign. In Ireland they are still on the Statute book unrepealed, except by the judgment of the courts of law. The hon. member begged pardon of the House for having trespassed at all, especially after the subject had been disposed of by the compromise which has taken place, but he could not consistently with his duty to his constituents give a silent vote.

Lord *John Russell* said, he rose with feelings of peculiar pleasure to thank the noble lord for the conciliatory disposition which he had evinced, and to congratulate the House on the result of that night's debate. He was, indeed, ready to acknowledge, that the noble lord had given him every assistance in his power, in conducting the inquiry last session into the state of the borough of Grampound; but, on the present occasion, he must confess that the noble lord had even gone beyond what he had reason to expect. He certainly did not see the force of the objection which the noble lord had urged against his proposition; but on that subject it was not his intention to offer any remarks. If he rightly understood what had been said, the noble lord had no objection to a bill for disfranchising the borough of Grampound, and extending the right of representation to some great town or other place; and that if he should have any objections to the plan proposed for transferring the right of representation, he would state them when the bill came to be discussed. He now therefore gave notice, that on Thursday next he should move for leave to bring in a bill to disfranchise the borough of Grampound, and to transfer the franchise to some great town. Though he believed that it would be a great advantage to increase the number of members for large counties, yet he was convinced that it would be more beneficial in such cases, to transfer the right of representation to some of those great and populous towns that at present returned no members. He was not at present prepared to say to what particular town the franchise of Grampound should be transferred, because there were many circumstances which ought to be taken into consideration by parliament before that point was determined. He concluded by begging leave to withdraw his motion.

Lord *Milton* said, it might perhaps be considered irregular in him to address the House after his noble friend had proposed to withdraw his motion; but he could not refrain from congratulating the House on the result of the debate. Though, for his own part, he certainly did not object to the propositions of his noble friend, yet, perhaps, some of them propounded principles which it was better to keep out of view. His opinion on the subject he should state when the bill was brought in; but at present he might observe, that he thought it would be both possible and expedient to adopt some general rule for supplying the vacancies in the representation occasioned by the disfranchisement of corrupt boroughs, and he thought that the House, in establishing such a rule, should direct its consideration to those places which formerly sent members to parliament, but which at present were unrepresented.

Lord *Castlereagh* wished to avoid future misconception, by stating, that he did not pledge himself to any particular mode of proceeding, nor was he pledged to the exclusion of the local principle, in the consideration of the transfer in all cases. He did, however, think from the number of boroughs in Cornwall, that the local principle did not there apply. Every distinct case should be canvassed on its own intrinsic merits.

The resolutions were then withdrawn.

Irish Partnerships Bill.] Mr. Alderman *Wood* moved for leave to bring in a bill to promote the employment of the poor in Ireland in fisheries and manu-

factories, by the encouragement of partnerships. The worthy alderman said, that this bill stood over from last session. It was only an amendment of the old law. The alteration was actually necessary to induce English capitalists to embark their property in trade in Ireland; there were many errors and ambiguities in the existing act, which it would be well to amend and obviate.

Mr. *Leslie Foster* said, that the bill professed to encourage fisheries and manufactures, and yet in it there was not one word about either. It was not however of the omissions, but of the contents of the bill that he complained. It had for a long time been the practice of Ireland to admit occult partnerships, and wherever any ambiguities formerly occurred, they had been in so many recent instances pointed out and explained by decisions in courts of equity, that the practice in such partnerships was rendered quite clear and intelligible. He could not therefore see the utility of the worthy alderman's proposition.

Mr. *W. Parnell* said, that though these matters might be clear enough in Ireland, yet it did not follow that people in England were equally conversant in the decisions of Irish courts of equity. In the present state of Ireland, it was very desirable to encourage English capitalists, and he was therefore in favour of any explanatory measure which could have that tendency.

Mr. *Plunkett* said, that this was not a bill of regulation, but one which went at once to sweep away, by an unqualified repeal, whatever had grown systematic in a code of commercial law which was perfectly understood by the people. He had had great experience in the equity courts of Ireland, and he could assure the House that he had not observed any difficulty in the operation of the existing law. The worthy alderman had not pointed out the defects in the existing code. Had he done so, it was competent for him to propose a specific remedy, instead of which he called upon parliament to repeal the whole code.

Mr. Alderman *Wood* replied, that he had stated, as he conceived, the real object of his bill, which was to remove the prevailing uncertainties respecting partnerships in the courts of law, which prevented, in a great degree, English capitalists embarking in Irish trade. He could state a specific evil, as the law stood, which he was ready to prove. If an occult or sleeping partner went into the counting-house of the firm in which he was engaged to look over the books, he was liable, according to a decision in the courts to be set down as an active partner, and his whole property to be responsible for the affairs of the concern. Now, the fair, and, as in England, the legal principle was, that an occult partner should be merely liable for the property he had embarked, the amount of which was registered, where any man could see it for one shilling. There was, it was true, not one word about fisheries in the old bill, but he meant to introduce the subject in the amendment. In introducing this topic, he had no other wish than to serve the trade of Ireland, and augment its prosperity; knowing, as he did, many capitalists who would, if the proposed alterations were adopted, embark a part of their property with the Irish resident. But if the gentlemen of Ireland had no feeling for the interests of their own country, nor any desire to increase its wealth by the introduction of English capital, he could not help it; if the Irish gentleman would not interfere for their own country, it was no fault of his! he was ready to withdraw his motion.

Lord *Jocelyn* hoped the worthy alderman would not withdraw the bill. He certainly should, in the first instance, support the motion of the worthy alderman, as he felt himself bound to support any measure which had a tendency to encourage the embarkation of the capital of an English merchant in Irish trade.

Leave was given to bring in the bill.

SEIZURE OF ARMS BILL.] Lord Castlereagh having moved the reading of the order of the day for the going into a comtee on the Seizure of Arms bill,

Mr. *Lambton* observed, that adhering to the declaration which he had made on a former occasion, of the tranquillity of the county of Durham, and of the absence of all necessity, in that county at least, for the measures in the progress of enactment by the legislature—having already stated that the report of arms being found in the possession of the persons who attended the meeting at Newcastle was wholly groundless—having since received from the clerk of the peace of the county of Durham a direct contradiction of an extraordinary statement respecting that county, contained in an article in a ministerial news-

paper under the head of "State of the Country"—he felt anxious, although the conviction that he could have no chance with the noble lord would prevent him from taking the sense of the House on the question, to record his opinion of the bill on the Journals of Parliament; and he should therefore move that it be an instruction to the committee that the provisions of the said bill should not extend to the county of Durham.

Mr. *W. Powlett* could not concur in the view of the state of the county of Durham taken by his hon. colleague. At a meeting of 38 magistrates and other principal inhabitants of the county of Durham, 36 expressed their opinion of the necessity of placing the yeomanry in that county on permanent duty. A great portion of the population of that county, although suffering great distress, certainly bore it with exemplary temper and forbearance; but from all the means of information of which he had been able to avail himself, he was persuaded that there nevertheless did exist in that county considerable disaffection.

The motion was negatived.

Mr. *Birch* rose to make a similar proposition with respect to Nottingham. He contended that there had been no disturbances in the county of Nottingham sufficient to warrant the extension to that county of the operation of the bill. Unquestionably much distress existed in Nottingham. Of 10,854 frames, no fewer than 3,751 were unemployed; so that a great portion of the population were almost starving. Had the harsh measures now before parliament any tendency to ameliorate the condition of the poor people thus left destitute? He was persuaded that had the noble lord acceded to the motion of his honourable friend, for an inquiry into the existing distresses of the country—had he even gone so far as to show his feeling and the feeling of parliament for those distresses, more good would have been effected, than by all the gagging bills that could be devised. Instead of which, however, the present bill was urged, with the denunciation which its title expressed against all the "disturbed counties." Now as Nottingham was not disturbed, he should move, that it be an instruction to the committee, that the provisions of the bill should not extend to the town and county of the town of Nottingham.

Lord *Rancliffe* felt it unnecessary to trouble the House at any length after what had fallen from his worthy colleague; but in justice to his constituents, he was bound to say, that Nottingham was in a state of perfect tranquillity; for which the noble lord and the country ought to be thankful to the population, considering all the irritating circumstances to which they had been subjected. In one parish, no less than a thousand persons were unemployed. Nevertheless they bore their sufferings with the utmost fortitude. He supported his honourable colleague's motion, not only because he did not conceive that the people of Nottingham deserved any such legal visitation; but also because he thought the bill under consideration one of the most arbitrary and unjust measures that ever emanated from a legislature. What had been the consequence of similar bills in Ireland, that misguided country, blest by Providence, but curst by man, but to open the door to the greatest oppression, and to rouse the most fiery passions of hatred and revenge. The atrocities perpetrated in that country under such an act as this, had been well described by an hon. member last night;—they were such as no man could contemplate without horror. He protested against the measure *in toto;* and he would say in the words of a gallant general, that if ever his house was attacked in consequence of this act, he should think it only consistent with his duty and his right, feeling as an Englishman, to resist the assailants.

Mr. *Denman* concurred in the assertion, that there was not the slightest manifestation of disaffection or disloyalty at Nottingham. He begged leave to state for the information of ministers, with respect to the town of Nottingham, that although the lord lieutenant of the county did at one period propose the adoption of measures indicative of a suspicion of disaffection, he believed that noble duke was now perfectly satisfied that his apprehensions were unfounded. The more reports of disturbance and disaffection were inquired into, the more they were proved to be groundless.

Mr. *R. Martin*, on perusing the bill, felt convinced that it contained nothing which could affect the poor man's rights, or property, except he possessed fire-arms, for which he could have no use. Had the bill been one for the protection of game, the gentlemen opposite would not have objected to it.

The motion was negatived.

Lord Castlereagh having moved, that the Speaker do leave the chair,

Mr. *Protheroe* apologized for taking that opportunity of addressing the House on the state of the country and the new measures, as he had been prevented by family indisposition from attending to deliver his sentiments earlier in these discussions. That the country was in an alarming state no one had ventured to deny, from whatever cause its danger originated He was convinced, not only by the papers on the table, but by information obtained from other quarters, that there did exist a widely spread conspiracy for changing the constitution of the country. He believed that many of those persons who had recently been actively engaged in the proceedings to which he alluded, thought that that at which they aimed would be an improvement of the constitution; but he also believed that they were misled, and goaded on by leaders who hoped to raise themselves in the confusion of a revolution. For this purpose, those leaders endeavoured to eradicate every religious principle from their minds, to draw closer the ties that united the infidel to the enemy of order, and direct the combined powers of blasphemy and sedition against the government and the institutions of the country. A great change to the worse had taken place in the morals and opinions of the people over the manufacturing districts; so great indeed as to render it doubtful, whether the diffusion of education, by which their minds had been opened to the introduction of mischievous as well as good principles, had been more a blessing or otherwise. Disaffection prevailed not only among those who were suffering from want, but those who enjoyed a competence; and that disaffection had been nourished by speeches at public meetings, by seditious publications and itinerant orators. It was consolatory, however, to reflect, that the operation of these machinations was confined to particular districts, and that even in those districts the moral and decent feeling of the majority of the people revolted against them. Nevertheless no man acquainted with the state of the manufacturing districts, but must allow that it was a state of great danger.—With respect, however, to the enactment in the bill which authorized the search for arms by night, he considered it as utterly inconsistent with freedom, and with the existence of civilized society.

The Hon. *T. W. Anson*, after apologizing for the length at which he must trespass on the attention of the House, trusted he need not say, that it was with feelings of the deepest regret he had seen the necessity which existed for calling parliament together, arising from the distresses which prevailed in many parts of the country, and the discontents which they had unfortunately produced. He might, perhaps, add to these causes, the efforts of a few evil-disposed persons, who were ever to be found ready to take advantage of such a state of things, for the furtherance of their own views. There was one subject connected with these considerations, but which he did not wish at present again to introduce into that House —the Manchester meeting—of which he would observe, that his votes had already expressed his own opinion. He could not, however, but regret, that into the nature and consequences of a transaction, unprecedented in the history of this country, and unparalleled in the annals of such meetings, the House had determined not to inquire; nor could he at the same time refrain from declaring, that hitherto he had heard no reason whatever assigned for the denial of an investigation into the occurrences of a day which would for ever be recorded in history as one on which the blood of his majesty's subjects had been wantonly and uselessly shed. Although he allowed that there was cause for alarm, he expressed his conviction that that cause had been greatly exaggerated, for the purpose of obtaining the concurrence of parliament in measures hostile to the freedom, and repugnant to the feelings of Englishmen. If there could be one of those measures more repugnant than another to a free and high-spirited people, such as the English were, it was this. The principles upon which it was founded, and the temper in which it was framed, appeared to him to be so much at variance with the free spirit of their venerated constitution, and so contrary to that undoubted right which the subjects of this country had ever possessed—the right of retaining arms for the defence of themselves, their families, and property—that he could not look upon it without loudly expressing his disapprobation and regret. The more he did look at it, the more he was amazed at the extraordinary powers given to one man, to authorize the entry of others into the house of any individual in the dead of

night, for the avowed purpose of seizing his arms. The oath of a single man before a magistrate, of his belief as to the possession of arms by a third party, and as to the intentions of that party in keeping them, was to be the ground of this arbitrary proceeding! He, for his own part, did not hesitate to declare his firm opinion that, referring to the papers before the House, out of which this bill was said to have arisen, the evidence there given was by no means sufficient to justify its enactment; and certainly, if it passed into a law, it would be one of the most severe measures ever determined upon. With regard to the names of the counties to be inserted in the bill, there were many which there was no pretence for including in its provisions. The House had that night heard an hon. member for the county of Durham, and the hon. members for Nottinghamshire, disclaim, on the part of their constituents, any necessity for such a measure. On a former day the hon. member for Northumberland had said, that he did not think it was necessary that the bill should be extended to that district; and as for his own county, it was well known never to have entertained even a wish for the presence of those meetings which were contemplated by another of those measures. Was it just, then, that such counties should be branded with the same stigma of sedition? Was it proper that the punishment should be inflicted upon them also? Was it fitting that, because this or that particular district was considered to require the application of a coercive system, that system should be applied to the whole country? Because there might be a single manufacturing town in a county; and that town might happen to be in distress, was it fitting that the whole county should be subjected to the operation of such a law? It was a law founded on a principle which no man had ever before dared to assert—a principle from which every lover of freedom turned with horror and disgust. It was not, he would here remark, this measure only which he felt it his duty to oppose; he had viewed with sentiments of deep indignation the whole series of the proposed measures. He had seen with abhorrence the liberties of the people so entirely disregarded. One party of the friends of the measures, appeared to think, that to pass these coercive bills was to do that which was essentially necessary for the safety of the country; the other allowed, that to adopt them, was to give up privileges which they had long enjoyed. Here certainly was an immense discrepancy of opinion. Most of those who supported the measures were also the supporters of the government of the country—that is, of his majesty's ministers. To render that support effective, they had themselves created the alarm which they were now so anxious to allay. He really believed, that it was the wish of those persons to make his majesty's ministers as independent of the people, as in his opinion they already were of that House. While he declared this, he must assure hon. gentlemen on the other side, that in what he had said, party feeling had been entirely laid aside; but he would wish to ask them, whether the taking away of the right of petition and the seizure of arms, were not more daring attacks on the constitution than were ever before attempted against it? Had the government consulted the interests of the state, by restoring confidence to the minds of the people, by arming them against the bugbear called radical reform, by measures of conciliation and protection; and had such measures been sooner adopted, the country would not now have been in that situation in which they found it.—Had that been the case, the people would have borne their distresses with that patient fortitude for which they were formerly remarkable. The measures now recommended to the legislature were, in his opinion, calculated to exacerbate instead of to abate the evil. If, in these observations he differed from a great majority, at least on the other side of the House, he hoped they would give him credit for having done so upon principle. Should the course now pursued be found to answer, no man in that House would be more ready to acknowledge his error.

The House then resolved itself into the committee.

Mr. *Bennet* strongly objected to the bill. It would be in the recollection of the committee that on the subject of depriving the people of arms, a measure had been proposed in the year 1817, which he had opposed. He did so upon this principle—because he held that the distinctive difference between a freeman and a slave was a right to possess arms; not so much, as had been stated, for the purpose of defending his property as his liberty. Neither could he do, if deprived of those arms, in the hour of danger. It was a violation of the principles of a free

government, and utterly repugnant to our constitution. Let the committee consider the process by which the object of the bill was to be effected. One of the provisions was, that upon an information on oath before any justice of the peace, such justice should be empowered to grant a warrant for the search. Now, he most strongly objected to any one justice having that power; and that objection was founded upon a conviction, that even in the best and most moderate times, it would be one both dangerous and improper. He was by no means sure, that when men's minds were thrown off the balance, in which they ought to be sustained, and particularly when the manufacturing districts were in that state in which the noble lord had described them to be, there was not the greatest danger in placing such a power in the hands of any one individual whatever. In the year 1812, many instances might be found in which persons had exercised a similar power in the most arbitrary manner; and when he recollected what had occurred at Manchester, he was very certain that there were persons, who might sign these warrants, in whose hands, he, for one, would be the last individual to trust it. He should, indeed, be extremely sorry to confide to them such a power as the enactment of this measure went to confer. Such, then, was the first step of the proceeding—the information upon oath, on which the magistrate was to be empowered to issue his warrant; the next question was, how was that warrant to be executed? They were to have a power to enter houses by day or by night for the purpose of seizing arms. To this power he must most strenuously object. He had no hesitation in saying, as a free-born Englishman—born so indeed, but how long he might continue free he really now could not say—that the people of this country never would submit to so gross a violation of their liberties. He did not think that they were yet base enough to allow it to be carried into execution by armed force, violence, or the sword. He did not wish to use inflammatory language, but he would say, that he thought nothing could be more horrible, more despotic, than this power to enter houses in the dead of night. Had hon. gentlemen ever seen the execution of a simple warrant of distress? Had they ever witnessed the agony occasioned to the sufferers, by putting in force, in open day, one of the most ordinary processes of the law? If so, would they thus subject females, in the dead of night, and in bed, to necessary insults? Necessary, he said, because, however gently the warrant, under the bill, might be put in execution, the mere inspection alone was horrible. He would ask, was there one circumstance at the period of the French revolution which excited more horror and disgust throughout this country, than the domiciliary visits of the magistrates and the soldiery? But where was the difference between the domiciliary visits in France, and those which would be authorized under the enactments of this bill? What, however, would be its effect, after all? The only effect which the measure would have would be that of irritating the public mind. Was it expected that arms would be found? No. Nothing was more easy than to conceal them, and no doubt that those who had arms would take care to secure them? What else, then, would the magistrates do? Would they proceed to practices that had taken place in other countries? Would they inflict tortures to extort confession? He protested against the first step to which he had alluded; and as to this other one, he did not at all mean to impute to hon. gentlemen opposite, an intention that it should ever be taken; but, if the magistrates got no arms, the bill was nugatory; how would they then proceed? The failure therefore of this bill might be considered as certain, except as for the purposes of disgust and irritation; and he should move, as an amendment, that the words "two justices" be inserted instead of "any justice;" and that the words "or by night" be omitted, and the words "by day only" be substituted in their stead. Surely "by night," were words, the effect of which was only to add insult to irritation, and in some cases to occasion the commission of necessary outrages in the execution of the warrant. Under these circumstances, he submitted to the committee his amendment.

Lord *Castlereagh* said, that with the exception of a subsequent clause, the whole object of the bill was to give the magistrates a concurrent jurisdiction, enabling them to seize arms, in particular cases, in a neighbouring county. The honourable gentleman who had just sat down had stated, that when a bill of the same nature was formerly before the House he had given it his strong opposition. He had always thought, he said,

that the right to have arms could never be called in question; and that no circumstances of public danger could ever induce him to vote for an infraction of that right. He appeared to have pushed his assertions to that extent. Now, he (lord Castlereagh) did not think that since the last century, particularly since the two rebellions which marked the beginning of it, any measures of public safety had been framed less calculated to trench upon the rights and liberties of the subject. The hon. member had, however, argued this question as he generally did other public questions. He felt alarm lest the liberties of the subject should be infringed upon by government, without allowing himself to look to the measures necessary for the protection of society generally from dangers of more serious nature. He seemed always to fear a blow from the hand which was stretched out to protect him. What he meant to say was, that the hon. gentleman never seemed to look at this or any other question in any other way, than as if he were invariably jealous of the magistracy, and of the operation of the laws of his country. An idea also appeared to prevail, that measures of this nature were quite new—altogether unheard of—entirely without a precedent in the history of the country. The hon. gentleman, however, appeared to admit, that there might be, by possibility, something in the state of the country to authorize some measure of a severe character, but he objected to the power of granting the warrant being given to a single magistrate. It was extremely odd that this should be supposed to be a provision entirely new, and now for the first time promulgated. In the year 1812, a measure of much more extraordinary rigour and harshness had been enacted, on which he had the assistance of several members on the opposite side of the House; among them of the late Mr. Whitbread [a cry of "No, no"]. He did not mean to say that it had received that gentleman's explicit approbation; but certain it was that that bill passed through the House with as little opposition as perhaps any one of its important nature had ever experienced. But the present measure was more calculated to guard against any abuse on the part of the magistrates than that of 1812. By the bill of 1812, the magistrate was empowered to search for and seize arms, by day or by night, not only upon information upon oath, but upon a bare suspicion that arms were concealed in any House. Was this deemed a better security for the country than the securities of the present bill? By another clause of the bill in 1812, the magistrate was not only entitled to search, but had the power of calling upon the whole district to deliver up their arms of defence for safe custody, and lest they should be used by the banditti at that time infesting the country. He would now state his conviction, that if the power of which the hon. gentleman complained were not given to a single magistrate, the bill would be entirely ineffectual. Suppose a magistrate were to receive information that arms for illegal purposes were lodged in a particular quarter, was it to be supposed that he must take no steps to seize them until he sent, perhaps a considerable distance, for a brother magistrate? The delay in such a case would afford an opportunity for removing the arms, and thus, as he said before, the bill would be rendered useless. The value of the information in such cases depended upon the rapidity with which it was acted upon; a moment's delay would in many instances render it wholly useless. Then, as to searching by night, he knew nothing more likely to fail than a search by day; and nothing more likely to succeed, if their information was correct, than a search by night. The means of communication were so organized and complete among the disaffected, that the magistrates could not move by day, without their knowing it; and so of course the whole object would be lost. He did not mean to say that this was not a very strong measure; God forbid he should! He did not mean to say this was not an enormous power. But then it was a choice of evils—a question, whether they would give a strong power to the legislature to protect peaceable people, or leave them a prey to another power, tyrannical and destructive. It had been said, that these measures were neither known nor practised in England before; but they were, in fact, to be found in what the hon. gentleman would consider the very best authority; in those times of Whig principles, in which the Whigs were in the government of the country. It had been asserted, that no such measures had been resorted to, after the rebellion either of 1715 or of 1745; that even then there had been no such thing. Instead of all this, however, it happened in reality, that two bills passed between the years 1715 and 1745,

and three, after 1745, all founded upon the same principle as the one before the House, but carrying them to a much greater extent. And one thing particularly to be noted was, that they were passed at a period very little subsequent to the date of the Bill of Rights; they were passed in the first year of the reign of George 1st, and only twenty-seven years after the Bill of Rights had been established; so that the Whigs of that day did not consider themselves bound not to desert, in these instances, the provisions enacted by that bill. What was thought of the disarming of the Highlanders? Was not that a measure introduced by a Whig administration? And yet surely the hon. member opposite would not persuade hon. gentlemen behind him, that there was no distinction between the cases of those rebellions in the Highlands and these seditions; surely it was a much more generous spirit of resistance to the laws which actuated the persons engaged in those rebellions, than any thing which had influenced any proceedings out of which the necessity for the present measure might have arisen. The hon. gentleman opposite deprecated any measure that was to be permanent. Yet the act of George 1st, though a local act, was not a temporary one. It was entitled "An act for disarming the Highlands," and, in point of fact, remained in operation, and was virtually the law of the country, during the whole of the reigns of George 1st, and George 2nd. In the interval which elapsed between the years 1715 and 1745 they brought in an act (11th George 1,) to re-enact the former one. They, the Whig government of that day, even went so far as to make it penal for any persons to retain arms in their hands, after being summoned to give them up; and a person convicted of so retaining arms was compelled to serve as a soldier in North America. The act of 11th George 1st, was passed for seven years. The rebellion of 1745 broke out during the 19th of George 2nd, when they re-passed the former act of George 1st, but in much stronger terms; for the act contained a provision making the second offence of retaining arms punishable by seven years transportation. This act was successively continued for periods of seven years and seven years each; and during the whole of the reign of George 2nd, there was no repeal of it. But now, hon. gentlemen, professing the same political principles as the authors of the measures which he had just described, denounced his majesty's ministers, and held them up to the execration of the country, for introducing the comparatively mild bill before the committee. It was generally admitted that some restrictive measures were necessary to preserve the tranquillity of the country. If so, was it not humanity to the people to make those measures effectual? If this were not done, the country would undergo the painful feeling of having their liberties restricted, without enjoying the protection which the measures were intended to afford. The bills introduced after 1745 vested the power in a single magistrate, in the same manner that that now on the table did. He was not arguing this question on the principle of the seditious meetings bill. He was aware that the principle of the bill was not congenial with the constitution, that it was an infringement upon the rights and liberties of the people, and that it could only be defended upon the necessity of the case. But that necessity now existed; the security and general interests of the subject demanded the sacrifice, and therefore he could not feel justified to himself if he did not press the original clause.

Mr. *Brougham* observed, that thus much had been conceded—the noble lord did not present the bill upon the table as constitutional in its principle or in its spirit, for he had frankly avowed that it was an infraction of the one and a violation of the other. It did not follow that the same opinion would be felt by all who ranged themselves on the side of government; from an *ultra* portion of the House the country might still be doomed to hear sentiments of an *ultra* description, in which it would be represented that, in truth, this measure, like the restriction upon the right of meeting and the trammels upon the liberty of the press, was an improvement, a notable improvement, upon the system which our ancestors had thought so perfect, but which their wiser descendants had discovered to be defective. However, it was something to gain the admission of the noble lord that this bill was to be dealt with as an infringement of the acknowledged and ancient rights of the people. In what way had the noble lord argued against it? He had adopted his usual and favourite mode of reasoning; for no sooner was an objection started to the nature of the bill, than he turned round and inquired, what objec-

tion could now be fairly urged against so mild and conciliating a measure, when only seven years ago the House had adopted a law of ten times its severity; and he followed it up by this special interrogatory—"What, do you think there is no necessity for the interposition of parliament in this way, when I have brought down six bills, where only two were formerly introduced? Shall not we now require the seizure of arms on the oath of the belief of a person before a single magistrate, when in the bill of 1812 you omitted all oaths and only rested on the bare surmise of a justice of the peace?" The reply to all this was obvious. How could those be bound by what parliament had formerly done, who had resisted its proceedings to the utmost? Such as had supported the bill of 1812 might, indeed, be called upon to lend their aid in making a new attack upon the constitution; but to those who had formerly maintained the rights of the people as they now maintained them, the appeal of the noble lord was inapplicable. The noble lord had insisted that the measure would be crippled, if not defeated, by abstracting the clause authorizing a search for arms at night; that it would give the disaffected warning; that when they heard that a magistrate was heading a troop of horse to seize their weapons by day, they would straitway take especial care to conceal them. But what answer could be given by the noble lord to this statutory warning, the bill upon the table? It must be granted (or the whole foundation sunk under the noble lord's new structure), that there were numbers in the various districts now actually in arms against the state, and the moment notice was given them by this bill, that a magistrate might come and search, would they be so weak, so childish, as not instantly to place their weapons beyond the reach of the civil or military power? Every man knew that he was liable to be informed upon by his neighbour. What was easier than to put his arms out of the way? The noble lord had frequently said much of the artifice and subtilty of the disaffected, and would he now desert his former story, and for the sake of his present argument, insist, that while all the magistrates in all the districts were to be on the alert, peeping into every hole and corner for a pike or a pistol, the disaffected would ostentatiously pile their arms in the open fields, or display them as in armories, in stars, circles, and triangles, for the exterior ornament of their habitations. It was ridiculous to suppose, that they would thus lay themselves open to the malice of their neighbours, and to the domiciliary visits of the magistrates. Thus far then the bill afforded no protection, unless it was intended that it should go farther than had been yet stated; if not, he would venture to say, that not a single stand of arms could be seized under it. Besides, as now presented to the House, it was most essentially defective. True, it had had its birth in another place; and notwithstanding all the wisdom, and sagacity, and acuteness, and perspicacity and accuracy of the allies of the noble lord in that place, and particularly of the most wise, sagacious, acute, perspicacious, and accurate secretary for the home department, notwithstanding the enlightened abilities of those who were represented as giving the tone of opinion, and taking the lead in the cabinet, notwithstanding, the labours of those who had sent their sage directions through the country, in such perfect grammar and such classic English, notwithstanding the bill had passed through the ordeal of the protesters, whom the noble lord had so struggled to confute in an elaborate speech, he was obliged to take it under his protection, and to vindicate the defects by which it was disfigured. The noble lord had mainly relied upon precedents, but he (Mr. Brougham) denied that that on which he had principally depended had the slightest application to the case before the House. The noble lord had quoted what he had been pleased to call the good old Whig times of 1715, when the Scots were disarmed with far greater severity than the present bill recommended. It must be admitted that however severe the old law was more effectual, because one part of the argument of the opponents of the new law was, that it would by no means accomplish its object, for, though it enabled a magistrate to search, it was destitute of any power by which he could get at the arms he discovered. Did our Whig ancestors pursue this course? No; they said, "Summon those who have arms, and require them to give them up; and if afterwards it turns out that they have concealed them, then they may be fairly subjected to the severe penalties of the law." That measure was only to be justified by necessity, but it had a recommendation which the noble lord's bill did not possess—it was effectual for its pur-

pose. And why, at that period, was it necessary? Was not open rebellion then stalking through the land? Was there not then a disputed succession to the Crown? Did not a foreign enemy aid the efforts of the domestic rebel, and threaten an invasion? War was then menacing without, and his ally, insurrection, was at work within; yet the noble lord with the utmost assurance asserted, that the precedent of 1715 should now govern the deliberations of parliament. Where was now the foreign foe, where the domestic levies? where the central commission? where the organized insurrection? Had we at this moment the first peer of the realm in open hostility, and sent to the Tower for his crime? Had we now a disputed succession, an open rebellion, or even an appearance of rebellion? Rebellion! Good God! was it to be asserted, even after all the evidence that had been so industriously collected and so ostentatiously displayed, that there was any thing in the country bearing even the semblance of rebellion? Where was the general rising that had been threatened by ministers and their agents from day to day? First it was said, that it was undoubtedly to take place on Wednesday; and after all the fears of all the old women had been excited to the utmost, they were respited until the Monday following: now it appeared that it had been postponed, positively for the last time, until yesterday; fortunately for the country, and unfortunately for the prognostications of the noble lord, no rising had yet taken place. Several of the warm adherents of ministers had been terribly alarmed a few days ago by seeing chalked upon the walls of the metropolis the ominous words "Remember the 9th of December;" and just as they had concluded that on that fatal day a bloody civil war was to commence, they were agreeably surprised by hearing that it was only a lottery puff of "the richest wheel ever known with 8 prizes of 20,000*l.*" which like some of the other promises of the chancellor of the exchequer, turned out in the end to be only four. To revert to the precedent of the noble lord, the history of Scotland proved, that the rebellion which the act against arms was meant to suppress, was hastened by it. The people were exasperated, their feelings were aroused rather than softened by those measures of the Whigs, which, though honestly meant, were highly erroneous. The Whigs of that day had not the experience which the country now had, that disarming was not the way of pacifying a kingdom. While the noble lord, with that example before him, had adopted its mistakes, and persisted in the error. It was not the rigour of that or of any other measures that at length subdued and pacified that part of the united kingdom; it was reduced to submission and obedience by a series of conciliatory measures, the first foundation of which was laid in the statute abolishing the remnant of the feudal system, which was followed up by other measures, as consistent as they were prudent. It was the wisdom of lord Chatham in placing confidence in those who had not been trusted by his predecessors, that finally completed the harmony that had now so long continued. He had thrown himself upon the people—he had gone, as he afterwards proudly and justly boasted, to the north, to seek for merit, and he found it where his predecessors had only sought for and found rebellion. The precedents of George 1st and George 2nd were therefore to be employed rather for the wise lesson to be gathered from them, than for the mere dry and naked support of a case, supposed to be analogous. He gave his hearty concurrence to the opposition made to the principle of the bill. That the subject had at all times a right to keep arms in his possession, of which the government could not, under given circumstances, deprive him, was a proposition that he would not maintain; but before the subject was deprived of them, a case of necessity must be fully established. Another point most material to be considered was, that in dealing with so sacred a matter as the rights of the people, any one of them must be suspended in the mode, under all the circumstances, least likely to affect the rest, or to abridge the other privileges or comforts to which he was entitled. When the noble lord maintained that the subject had only a right to arms for the protection of his property, or for self defence against the midnight plunderer, or an unauthorized police officer, he (Mr. Brougham) could only state, that he had not so read the constitution. He even believed that the noble lord would be ready to agree with him, that he had two narrowly stated the right. Not only was an Englishman's house his castle against the unwarranted intrusion of the police, or against the attack of thieves,

but it was so in another and a higher sense of the word, as giving him a prerogative to have arms for his defence. He maintained that he had a right to arms for his defence, not merely because he would preach it up to him that he might use them against the lawless measures of bad rulers, but to remind those rulers that the weapons of defence might be turned against them if they broke the laws, or violated the constitution. If this were dangerous doctrine, he addressed it not to the country, but to its rulers; and he begged them to recollect that, in broaching it, he was only following a venerable authority, not to be disputed even by the other side—Judge Blackstone—who twice over had laid it down in his book, that such was the use of arms, and such the privilege of English subjects. These were not times for any man to assert opinions that might be misapprehended or perverted; and he would therefore follow up what he had advanced by adding, that no act of the rulers of the country, in which they were supported by the constituted authorities, could warrant any part of the community to talk of, nay, to dream of resistance. If the law of the land were to be altered, it could only be altered by parliament; and he would as vehemently and stedfastly, to the last drop of his blood, resist any encroachment by the people upon the legislative right, as he would oppose strenuously and firmly any invasion by the crown or the parliament of the known privileges of the community. These were the doctrines of the British constitution—doctrines as serviceable to good rulers as they were dangerous to evil rulers—calculated to promote and secure the peace and good order of society, and calculated too, as a warning to those who would violate that liberty they ought to preserve. The hon. and learned gentleman sat down amidst loud cheers.

Mr. *Canning* allowed that, as he should be sorry to push any expressions beyond their fair and obvious meaning, he was perfectly ready to admit the right of the subject to hold arms according to the principle laid down by the hon. and learned gentleman, especially when accompanied with the qualification which the hon. and learned gentleman had thought proper to annex to the right, after having stated it on the authority of Mr. Justice Blackstone. The doctrine so laid down, he was willing to admit was no other than the doctrine of the British constitution. If he was at all disposed to quarrel with the doctrine, it was not in consequence of the principle upon which it was founded, but in consequence of the occasion upon which it was stated: for if it were to go abroad at this particular moment, and under the present circumstances of the country, that the hon. and learned gentleman had contended for the propriety of an armed resistance, he would ask any man of common understanding whether more danger was not likely to arise from mooting the possible case, than security from the qualification the hon. and learned gentleman had made when he asserted it? Without, however, pressing this further, he would only state, with reference to what had fallen from the other side, that there was no general and abstract right belonging to the community, which was not subject to the control of the governing power of the state, on the showing of an adequate necessity. If in the instance before the House any proof were wanted of this qualification, he would refer those who doubted to that immortal statute so often quoted within doors and without, in regular debates and at public meetings, but, he knew not by what fatality, never quoted accurately—the Bill of Rights. It was most true, as had been laid down, that all subjects were entitled by the Bill of Rights to have arms, but with one small qualification, which he mentioned not in praise of, or with a view to establish the qualification, but as showing that at the very time when our ancestors laid down the principle they contemplated the exception. Those who had cited the Bill of Rights had uniformly omitted the important words—"All subjects being Protestants have a right so to be armed." How had it happened that in all the discussions for the last three weeks, in all the public addresses for the last three months, that clause had been carefully excluded? What was to be inferred from those words?—That the Papists ought now to be disarmed? Certainly not: he only brought them forward to illustrate the position, that this general right, like every other, was subject to qualification; and nothing could more satisfactorily prove its subjectness to qualification than the fact, that at the very moment the right was conferred it was actually qualified. Though the current of opinion was at present againt such an exception of the Catholics

he was not sure whether, by any subsequent law, it had been repealed; but supposing it remained on the Statute-book, that clause would exclude from the possession of arms no small portion of the inhabitants in some of the disturbed districts. Would he then exempt the professors of the Catholic religion from the right of having arms for self defence? No; he had always argued in a contrary direction; but the Bill of Rights, correctly quoted and properly construed, brought him to the provision of the bill on the table, which, in fact, recognized the general right of the subject to have arms, but qualified that right in such a manner as the necessity of the case required. As the Papists at the Revolution, were armed against the existing government, and were excepted in the Bill of Rights, so the act before the House excepted the disaffected in the disturbed districts who were in arms against the law and authorities of the land. He appealed, therefore, to the Bill of Rights in defence of the step he now called upon the House to take; and he contended that it would only be to carry into effect the very doctrines our forefathers had shown that they admitted. In the spirit of the Bill of Rights, he called upon the legislature to interpose to suspend a right, and take away arms that could not be held without danger to the tranquillity of the state. He admitted that a case must be made out justify this interposition; but he had imagined till to-night, from the general course of the discussions in parliament from the unanimity with which the training bill had been passed, that danger, and the species of danger, was not denied. Whether it were or were not conceded that large meetings ought to be restrained that some limitation ought to be put upon the abuses of the press, or that a permanent measure might be required to prevent the possibility of a military rising, and a disciplined array, he had supposed that it was not denied, that those who were marching and counter-marching, and accustoming themselves to obedience to the word "fire" without arms, had at least a distant design at some time or other to practice it with arms. He had also concluded that when the Speaker left the chair, and the House went into a committee, it was not intended to dispute the principle of the bill, though differences might arise out of particular clauses. It was evident that, on this occasion, it was intended to make two distinct attacks—one on the whole of these measures, the other on his majesty's government. "The bill is unconstitutional," said one; and exclaimed another, "it is without precedent." Those, however, who declared that it was unconstitutional, appeared to have forgotten themselves a little. From the situation in which the House was placed at that moment, it seemed that the objection was never thought of before. Here they were in committee—not to consider the principle of the bill which had been conceded, but to inquire into the best mode of applying and adopting its provisions. With respect to the other charge, that there was no precedent for the measure, his noble friend had fully answered the objection. He had shown that there was precedent of a recent date. He had gone farther; and if gentlemen wished him to cite times and persons intimately connected with the Whig influence in this country, he had cited those times and those persons as perfectly applicable to his argument. But when this was done, and done so that it could scarcely be mistaken, the learned gentleman turned round and asked, "Well, where is the precedent?" His noble friend had quoted precedent; but as the measure to which he applied it did not partake of such bold aspiration, did not savour of such harsh severity, as those which the Whigs had supported, then he was told that it was no precedent. But the use made of this sort of management was very clear. When one objection was really answered and the other ostensibly remained—though, in effect, it was also answered—then those who opposed the bill said, "See, we have done away with all your logic, your whole course of ratiocination is destroyed." It was true the hon. and learned gentleman did not push his logic quite so far, but he did not fall much short of it. To the charge of its being unprecedented, his hon. and learned friends had answered, by stating that it was copied in its very terms, and he might say, with a servility of imitation, from former acts. But then the hon. and learned gentleman turned round and said, "what signifies whether you can plead precedent in favour of it or not, it is objectionable in itself, and upon that ground ought to be resisted." For his own part, he did not mean to contend, that because there were precedents in favour of it, there could be no objection; but when he

was asked, what use was precedent, he would answer, that precedent was one argument, and that when the others were answered, if that too could be overturned, the triumph of the question was complete. The hon. and learned gentleman had also expressed his surprise that this bill should be so defective, after having been subjected to that species of animadversion which was denominated "protest," and which, if it were not founded in sound reason, ought to be answered by a "counter protest." Now he had never heard of a proceeding by counter-protest, in the venerable assembly where the measure originated; but perhaps the hon. and learned gentleman thought it ought to be invented to meet the exigencies of the present occasion; and that, having engaged in a war of words in the first instance, they ought next to be engaged in a war of quills. But without dwelling upon that topic, or confessing himself a convert to the opinion of the hon. and learned gentleman, he would allude to an extraordinary publication, containing an unfounded assertion, to which, however, some highly respectable names were attached, he knew not how. The publication to which he referred, denounced the bill before the House upon various grounds, and among the rest, upon the following: "Because, in former periods of much greater danger to the Crown and constitution of these realms, when conspiracies by the adherents of the House of Stuart were known to be directed against both, when preparations were making for rebellion with the assistance of France, when men of the highest rank, station, and influence in both kingdoms, were deeply engaged in these designs; nay, during two formidable rebellions in 1715 and 1745, no such power was granted to the Crown; yet the new line of succession was defended, and our free constitution successfully maintained, against all these dangers. The principles of the revolution had been too firmly imprinted in the hearts and minds of our ancestors to allow them, on the spur of any emergency, however alarming, to hazard the existence of a right which they had so recently asserted. To this extraordinary publication the signatures of "Grey, Thanet, Erskine," and many other eminent and distinguished individuals, were attached. But any man, even the most ignorant of the English history, would see that the position laid down in the passage he had quoted was incorrect. So much so, that when he read it, he imagined it was one of those libels on the names and characters of great men which were so extremely current at the present moment—a libel on persons whose stations, whose habits, the tenour of whose whole lives acquitted them of the suspicion of not having read, "Smollett's Continuation of Hume's History of England." Names of the first celebrity were, however, affixed to this statement, which was so completely erroneous, that the making use of those names became in his opinion a species of scandalum magnatum. This circumstance occasioned persons a little more curious, a little more anxious to know what had really taken place at a former period of our history—to examine what the proceedings had been during the periods alluded to. The result of their investigation was this: they found, that in the year 1715, one of the periods selected, the Whigs had passed an act as nearly as possible, similar in principle to the measure of the present day, but infinitely more severe in its enactments. It was worth while to mark how the Whigs, with the bill of rights so fresh in their memory, expounded the right of carrying arms, which had been so much adverted to. He begged those individuals, in whose ears the exposition of the hon. and learned gentleman must still be ringing—that exposition by which the right of carrying arms against the government was admitted—he begged of them to listen to what the Whigs had enacted on the subject. The preamble of the act said, "Whereas the custom that has long prevailed amongst the Highlanders, of carrying arms and using them abroad, has been productive of great inconvenience." Penalties were enacted to prevent the wearing of arms by the class of persons noticed in the bill, which set forth that a conviction might be had on information being laid before one justice of the peace. The first offence was visited with a fine of 40*l.* and imprisonment; the second offence with a fine of 80*l.* and more imprisonment; and ultimately, in default of payment, the party convicted was subjected to transportation for seven years. Not content with this, in the year 1726, being the 11th of George 1st, and ten years after the passing of the bill, which he had just quoted, a new act was brought into parliament, enforcing that which had been previously enacted. By that bill persons not giving in their arms, or

not paying the penalty inflicted on them, were liable to service as soldiers. Besides this, the owners of those houses on whose premises arms were found, were to be deemed concealers of arms, and were in consequence subject to the same penalties of fine, imprisonment, and transportation, to which persons regularly convicted were liable. He was sure what he was now about to state would shock the feelings of the hon. gentleman who had opened this debate, who had dwelt with so much energy on the situation in which females would be placed in consequence of the operation of the present bill. The act to which he was referring treated females with as little ceremony as itdidmales. By its provisions, two years imprisonment, and a fine of 100*l.* were inflicted on any female who was convicted of concealing arms. So much for the mitigated severity which distinguished the measures of the Whigs. In the 19th of George 2nd, another act was passed to enforce that which he had recently quoted. It provided still greater penalties, the whole of which he would not then read. By that act, those who did not bring in their arms, or refused to pay the penalty, were liable to serve as soldiers. Here again women were not forgotten. A breach of the act committed by them was visited by a fine of 100*l.* and by imprisonment. This act was passed for seven years, and before it expired it was renewed for seven years longer, with this remarkable preamble—"That the act not being sufficient to answer the purposes intended, it was found necessary to enforce the same with new provisions." This was passed in 1746 for seven additional years, and continued till 1753, when it was again renewed. In 1753 the act as he had observed, was renewed, though he knew not any particular reason that called for it since the renewal took place in a period between two wars. In 1759, the last year of the reign of George 2nd, he found it still in force. Men were subject to fine, imprisonment, and transportation, if they did not give up their arms, and women were also fined and imprisoned for assisting them in concealing them. The hon. and learned gentleman had said, that there was no precedent for the present measure; but till long after the rebellions of 1715 and 1745 had subsided, it would be found that bills far more severe than that now before the House were renewed. He also wished the House to recollect what the hon, and learned gentleman appeared to have forgotten, namely, that these bills were enacted after lord Chatham had made use of the highlanders as soldiers. While on the one hand lord Chatham was calling on the highlanders to fight the battles of their country, he was on the other enacting a measure, with what the hon. and learned gentleman would term an odious preamble. That act which kept in force the measures of which he had been speaking, set forth in the preamble, "Whereas, the acts for preventing the carrying and using of arms have been found useful and beneficial to the country." On this recital, two years after the highlanders had fought their country's battles, those acts to which he had alluded continued, and they had not since that period been repealed. He thought it was too bad, after this statement, for any gentleman to say that there was no precedent for the proceeding now before the House. It was quite clear, that the acts which he had quoted, acts of extreme severity, had been continued in force long after the rebellion of 1715 and 1745 had wholly subsided. It was a most extraordinary circumstance to see it proclaimed to the country, under the sanction of the great names he had mentioned, that no precedent could be found in our history; when the truth was, that from 1715 to 1745, and from 1745 till it pleased God to put an end to the Whig administration, acts more severe than those which were now in contemplation were constantly operating; they were not mere dead letters in the Statute book; they were not suffered to lie undiscovered, but were carefully renewed from seven years to seven years, as if it were intended, when the Whigs had given to parliament a septennial duration, they were determined that every thing connected with the government should be septennial also. He knew that with the hon. and learned gentleman this would not be considered any reason for passing the bill; but he never would suffer any statement against precedent, to be made by those gentlemen on the other side of the House, who were in the habit of using all manner of precedents themselves, without taking a proper notice of it. If precedent could be advanced to the purpose, unprecedentedness ought not to be introduced as an argument against any measure. Let gentlemen consider the temper of the present administration with the temper of some

of those which had passed; let them consider the tone of this measure as compared with the legislation to which he had alluded, and then declare whether the bill upon the table demanded or authorized any of the observations which had been made upon it by the hon. and learned gentleman. It might be said, with respect to the act of the 1st of George the 1st, that it was of a local nature, as it extended only to the Highlands; but it should also be observed that it had no limit to its duration. The reason why he inferred that it had no limit was, because the act of the 19th George 2nd, which renewed the act of the 11th of George 1st, which expressly recited both the acts of the 1st, and the 11th, contained a clause which appeared to him to bear out his proposition, that no limit was affixed to it. Let the House, then, look at the difference between the present bill, and the acts to which he had referred. The latter embraced a great portion of time, while the former was limited to two years—a period beyond which it was not expected that the evil would extend. By all those acts, warrants to search for arms, by day and night, might be granted by one magistrate, without information on oath. By the present bill, one magistrate might, indeed, grant a warrant, by day or by night; but the information must be given on oath. In those acts of Whig legislation no right of appeal was allowed, but in this bill the right of appeal to the quarter-sessions was admitted, which he considered an important provision for the protection of the public. By those acts to which he had called the attention of that House, it was provided, that in cases of obstruction by 15 persons or more, the peace-officers might call in the military force to their assistance, and would be indemnified if the death of any individual ensued; in the present bill there was no such provision. By those acts, an individual refusing to give up his arms might be sent for a soldier, or he might be transported for life; by this measure he could only suffer imprisonment for a misdemeanor. By those acts, a woman was subjected to a fine of 100*l.* or might be transported to the plantations; in the present bill there was no such provision. When, therefore, ministers were told that they introduced acts of uprecedented severity, those who made the assertion were manifestly in error. They might taunt ministers by adverting to what they called the wise provisions of their ancestors; but they could no longer reproach them with the want of constitutional precedents; they could no longer say that ministers had acted with more severity than their ancestors adopted, when they saw a just occasion for it. The bill might be charged with insufficiency, with the fault of not being severe enough; but to accuse its framers and supporters of forgetting the rights which our ancestors held sacred, was an imputation which the enactments of the bill and the evidence of history concurred in repelling as untenable.

Mr. *Brougham* in explanation, declared that the right hon. gentleman had quoted expressions and arguments which he had never used. When did he ever say that this measure was unprecedented? When did he ever argue on what the right hon. gentleman was pleased, in a fine word, to call it *unprecedentedness*? When did he ever turn round and say, "O what is the use of precedents?" These were atfew of the points that the right hon. gentleman had grappled with; but they were points of his own making. It was easy for the right hon. gentleman to answer arguments which he was pleased to attribute, not to collect, from others. There was another point of more importance, to which he wished to advert. He was stated to have said that the people had a right to arm, notwithstanding any interdict of the legislature? Good God! when did he assert that they had such a right? He had all along admitted that the legislature had clearly a right to disarm the whole people; but then it was necessary that a case of the most decided necessity should be made out.

Mr. *Canning* observed, that he might have made use of the hon. and learned gentleman's argument, as he himself must have felt with greater effect than he even had done.

Mr. *Brougham* replied, that it would have been very unfair in the right hon. gentleman to have done so, since he had stated his qualification in very strong terms, and had not pushed his argument so far as some people thought. He knew from experience the powers of misrepresentation possessed by the right hon. gentleman, and he thanked him for his courtesy in not making use of them to the greatest possible extent on the present occasion. He very sensibly felt that he

should not now have had an opportunity of making this explanation had the right hon. gentleman not been so civil. All the neighbourhood of St. John's and St. Margaret's would have been echoing to the praises rung in his ears from the hon. gentlemen around him, if the right hon. gentleman had made that exhibition from which he had so obligingly abstained.

Mr. *Tierney* expressed his surprise that the impression of gentlemen opposite always should be to treat this and other important subjects as mere party questions. The whole wrath of the right hon. gentleman—Well, he did not wish to use the same word that he had used on a former occasion, and he would therefore say that the whole speech of the right hon. gentleman had been one continued attempt to devise some mode by which he could throw a slur on gentlemen who sat on that (the Opposition) side of the House. Having no ground on which he could support an accusation with reference to their present actions, the right hon. gentleman went back to the old topic, and began to revile them as Whigs—"Whig, Whig, Whig," were the first and the last words in the right hon. gentleman's speech. Night after night this epithet was introduced in order to annoy them. The right hon. gentleman never made a speech in the course of which he did not declare that the Whigs were the persons whom the country ought most particularly to guard against as having done a great deal of harm. The Whigs had, however, done the country some good, which the right hon. gentleman overlooked; but if they were the authors of any mischief, that was exactly the precedent the right hon. gentleman and his colleagues quoted in order to justify the ill which they were willing to do to the constitution. It was a pity that they would not imitate some of the good works of the Whigs, as well as their bad ones. An hon. member under the gallery had said, how fortunate and how happy an event it would be if gentlemen coming to these discussions would throw aside the spirit of party, if they would endeavour to render those measures palatable instead of opposing them altogether. Now if ever an effort was made to do this, it had been attempted with respect to the bill now before the House. When that measure was brought forward, he stated his objection not to its peculiar principle, but with a reference to the situation of the times. He desired that a case might be made out which it was necessary to meet by such a law. He objected also to one magistrate being empowered to grant warrants, instead of two; and he stated his dislike to the power of searching by night. He had declared that if two magistrates were substituted in the place of one; and if the search by night was given up, he would not oppose the measure. He had, however, expressly reserved his right to discuss the measure in some future stage, and now, though the points to which he had objected were retained, he was charged with having conceded the principle, or at least forfeited his right to oppose it. He denied the assertion: he had not abandoned the principle: for he would maintain that the subject had a right to arm, in terms still more broad than those which had been used by his hon. and learned friend. The right hon. gentleman had noticed a qualification of the principle in the Bill of Rights which was the introduction of the word Protestant, but the House should bear in mind the circumstances under which the qualification was made—a Catholic king had been just expelled, and the legislature was called upon to provide against his return. Unless persons meant to use arms unlawfully, they had a right to procure them? God forbid that he should ever oppose that opinion. It was borne out by the Bill of Rights; and the paper which had been quoted, and which originated elsewhere, was in unison with that bill; and its reasoning was borne out also by facts. It was a fortunate paper for the other side of the House; for, having no argument that applied to the case, they looked for an argument in something that had occurred in another quarter. They were anxious to produce a debate, and they had no other means of effecting it than by adverting to that paper. His hon. friend said, "I object to the principle of the bill; but, notwithstanding that, I will not oppose its passing, if two points are conceded to me." "No," said the noble lord, "I must have a debate; I must have an opportunity of introducing a little party spirit into the proceeding." Not being able to conduct a business of that nature with so much delicacy as his right hon. friend, the noble lord, he handed to him the document, and it became his task to comment on it, with a view, no doubt, that his observations should go through all the newspapers. The document as-

serted that the subject had a right to arm, and he (Mr. Tierney) said so too. If he correctly understood that paper (for he had no idea of defending the writings of others—it was sufficient for him to defend himself), it stated that the Bill of Rights gave to the people the privilege of possessing arms. And he would maintain that that privilege was not broken in upon by the acts which the right hon. gentleman had quoted. Those acts related to Scotland; and not, indeed, to the whole of Scotland, but merely to a part of it. That England was at the time in danger, no man could deny; but they could find no bill authorizing a search for arms, which applied to this country. Why, it might be asked, should such a power be granted at that period? He would answer the question. Because the great body of the Jacobites were concentrated at Manchester at that time. But, notwithstanding the dangers which existed in Scotland, notwithstanding the dangers which threatened England, Lancashire altogether escaped the visitation of such a measure as this, although unfortunately it could not now escape. He contended that this was not a precedent. Scotland was in a state of rebellion when the measure was enacted. Where was there any rebellion now? The measure to which the right hon. gentleman alluded proved nothing, unless it clearly bore on the question; and could he say that the same state of things existed now as was in existence then? His argument was of no use, unless he could show, that the dangers of the present day were similar to those of 1745. The right hon. gentleman said, "Can there be a doubt, when you pass a bill to prevent training, that the men who are thus exercised mean to have arms?" That was very true; but then a doubt might very naturally arise whether in fact they had them. It was by great good fortune that the right hon. gentleman had got hold of the protest ready cut and dried; for without it he could have furnished nothing of an argument. He (Mr. Tierney) was obliged to speak of it, after having heard it casually read [Here Mr. Canning threw the protest across the table to Mr. Tierney]. By good fortune he had now got the document, and he was convinced that nothing contained in the acts that had been cited, proved that the doctrines contained in it were fallacious. The preamble of those acts set forth, that in the highlands of Scotland men were in the habit of marching about in military array. This was a necessary consequence of their clanship. The male population of the highlands were all armed, not secretly but publicly and openly. There was no concealment about them: they practised those exercises and made use of those weapons with which their forefathers had been acquainted. Was not this a good deal like what passed at the present day? What information had they got on which they could fairly proceed? They had been favoured with a few assertions, that a good many pikes had been seen; and with certain other assertions, that there were a good many more pikes concealed. This was all the information they had got. Here then was a fine proof of a vast number of persons being armed! Now, with respect to the training-bill, no opposition had been given to it, and it passed in two days. Then said the right hon. gentleman, "Oh! if you pass that bill in two days, can you doubt that those against whom it is directed are arming?" Now, it seemed most extraordinary to him, that if the people were arming, our wise government should take three weeks to consider of this measure, which ought to have been passed in the very first instance. In no part of the kingdom did he believe there was a single hostile musket. He would say nothing about cannon, because there was a statement in which it was mentioned, that a number of cannon were "*laying* about." But this was the way in which ministers went on; they could not make out a good case, and then they talked of precedent; and those whose opinion did not coincide with their's they immediately reproached with not having read Smollett's Continuation of Hume's History. But he would again repeat, that England was the country in question here; it was to it the protest referred; and acts passed with respect to Ireland or Scotland had nothing to do with it. He maintained that what the right hon. gentleman quoted as a precedent was no precedent of any kind or sort whatever; or, if it was a precedent, it was one, as he had before shown, which made in favour of his (Mr. Tierney's) argument; because, though in 1745 the Jacobites were in arms at Manchester, still no law was enacted empowering any person to search for arms in England. Notwithstanding the right hon. gentleman's comments on that paper, he conceived that its statement was correct. He was sorry that the right hon. gentle-

man had read it, and he expected that he would have been interrupted by an hon. and learned friend below him. He conceived that the act would have been treated as a breach of privilege, because the right hon. gentleman had not only read the proceedings of another place, but had introduced a newspaper to read them from. He might be allowed, however, to say, that there was not a word in that paper which he would not willingly sign, because, in so doing, he expressed his assent to the opinions that were entertained by his ancestors, and because he felt that there was not a sentiment contained in it, to which any Englishman could with justice object. Having disposed of that, he had disposed of the right hon. gentleman's speech. All that the right hon. gentleman had shown was, that those desperate Whigs had from time to time determined to put down the enemies of that family whom they had sat upon the throne. Yes; those desperate Whigs took the necessary precautions for that purpose. But were they, because they had acted thus, to be dragged in on every occasion, whatever the subject of discussion might be? Had the right hon. gentleman imbibed such a hatred against them, that he would never act with them under any circumstances? He asked this, because he thought he could find a newspaper statement, if such a statement could be credited, which showed that, with all their demerits on their heads, the right hon. gentleman had no objection to accept of office with them. He might perhaps take the liberty of observing that the right hon. gentleman was not very nice in the selection of his company; and those who looked to the right hon. gentleman's right and left, would see the truth of the observation. He should now come to the bill itself; and here he could not help observing that, though he was willing to do every thing in reason to accommodate the right hon. gentleman opposite, and to show him how far he was from acting upon mere party motives in the opposition which he gave to the measures now before parliament, he could not accommodate him upon the present occasion, because he thought that the bill as now proposed to their consideration, was pregnant with danger of every description, and therefore was of such a nature as ought to excite the jealousy of every man in the country. If, however, any necessity for enacting it could be proved, not indeed by such precedents as had been recently quoted, but by fair and legitimate evidence, he would consent to give such power to the executive government. His hon. and learned friend had never said, that even if a case were made out, such powers ought not to be entrusted to the magistracy; by no means: neither had he (Mr. Tierney) ever stood up for so absurd and so self-refuting a proposition. His hon. and learned friend had merely said that such a bill was not passed, when great danger existed in the country from numbers of its inhabitants being in open correspondence with a foreign enemy. He (Mr. Tierney) said so too; and would say, in addition, that in 1812, when the country was certainly in much greater danger than it was at present, no such bill had any existence. At that time there could not be any doubt of arms being in the hands of the disaffected, as large parties of them were perpetually scouring the country, in order to seize them; and yet no necessity for such measures as were now proposed was then asserted to exist. The real question, therefore, on which the House was called to decide was, whether a case of such imminent danger as to justify the passing of this bill had or had not been made out by ministers? For his own part, he must say, that he thought that it had not. There might be a few pikes in the possession of some individuals, and here and there a pistol; but no evidence of this was before the House, and therefore it was impossible to say decidedly that there was great danger in the country. All cases, however, were to be judged according to their circumstances. In former times arms were thrown away by persons in high stations, in order that they might be found by the disaffected; at present there was not among the disaffected a single name above that of a humble manufacturer. Arms therefore could not be given them, but evidently must be purchased by them. The right hon. gentlemen on the other side ought, among the other documents which he read for their amusement, to have read certain letters which were written about a 5*l.* note which was suddenly missing out of the radical treasury; and he would then have convinced every gentleman in the House of the extreme difficulty the government would find in contending against such an exchequer! He would go as far as he could to allay the feelings of alarm which

were entertained by others, and so would his honourable friend the member for Shrewsbury. Change but the clause which authorized a single magistrate to issue a warrant, under which forcible entry might be made by night into any House where arms were suspected to be concealed—make it even requisite that such warrant should be signed by two magistrates, and no objection would be made to the present bill: he was willing, rigorous as it was, that it should pass into law, if its regulations were only made consonant to the feelings and habits of the country. This led him to the consideration of the real question now before them, whether the power of issuing a warrant to search for arms ought to be vested in a single magistrate, and whether that warrant ought to be granted upon the oath of a single witness. He maintained that it ought not to be vested in a single magistrate; but the noble lord, on the contrary, asserted, that there was an end at once to the bill, if the warrant required the signature of more than one magistrate. The arguments which the noble lord had used to establish this position, had not convinced him of its stability; for he was well aware that magistrates (and he meant them no disrespect in what he now said) were not always selected for their wisdom and learning; they got into the commission of the peace by a variety of ways; and it therefore was possible that some of them might act upon party motives; that some of them might be intemperate; and that some of them might even act under feelings of alarm. A magistrate of this latter description might write up to government, that 50,000 men were arming, and were intending to burst forth into open insurrection. Would such a man disbelieve the information of another, who applied for a warrant against a third individual, on the ground that arms were concealed in his house? Certainly not; and, therefore, under such circumstances, it would not be right that such authority should be intrusted to him alone. But a magistrate, as he had before remarked, might also act for party purposes; and he did think, that if government wanted proof of any conspiracy, they might obtain it by application to some of these party magistrates? How far, then, was it expedient to allow the possibility of the power in question being vested in a magistrate of this description? "But," said the gentlemen on the other side, "if it be requisite to wait till the signatures of two magistrates are obtained, the arms will be removed beyond the reach of discovery." He did not see that this would be the case quite so clearly as the opponents of the amendment: on the contrary, he was inclined to maintain that in the disturbed districts the signatures of two magistrates might always be obtained in half an hour; for if they were not to be obtained in that time, it would be owing to their absence from their posts, and their reluctance to do their duty, which he should be the last man in the world to impute to them. The noble lord had also stated, that great advantage would be derived to the country from giving the magistrates the power of seizing arms by night. For, said he, "if any attempts are made to seize them by day, those who possess them will see the approach of the civil power from a distance, and whilst they are approaching, will take good care to conceal them." If there was any force in this argument, it went to show how much better it would be to strike out of the clause the words "by day," as it evidently showed the intention of always executing the search by night. Now, could any measure be in itself more objectionable, or in its effects more calculated to exasperate the disturbed districts, already in too great a state of exasperation, than a measure which rendered the houses of their inhabitants liable to search at any hour of the night, and which subjected their wives and daughters, during that search, to all kinds of insult and indignity, merely because an informer chose to swear not that they had, but that he believed that they had concealed arms on their premises? Could any thing be more dreadful than that an individual, upon such a belief, should have his house broken open by armed ruffians, his privacy invaded, and his whole family exposed to the gaze of overbearing men in authority? He would ask those members of the House who were connected with Ireland, what was the nature of the scenes which they witnessed in that country whenever is was their misfortune to go in search of arms; he would ask them whether they were not of the most painful and heart-rending description; and he would put it to them as men to say, whether it was not probable that, if this bill passed, similar scenes would be witnessed in England. Ready, therefore, as he should be to place additional power in

the hands of government, whenever the necessity of granting such additional power was made out to his satisfaction, still he would always contend for the alteration of a clause like the present; for he never could agree to allow this search for arms by night, whilst he recollected how revolting it was to humanity, and how great an outrage upon decency or decorum. Besides, it would not facilitate in the slightest degree the discovery of concealed arms, especially when they were in any accumulated numbers, as those members for Ireland who were old enough to recollect the circumstances of the rebellion could inform the House. Those of the disaffected who now had arms, knowing the bills to be in agitation, would take good care to have them lodged in places of security long before they were passed into laws; and yet the House aware as it was of that circumstance, was going to pass a law, by which women might be taken out of their beds at any hour of the night, and have the very beds on which they were sleeping ripped open in this search for arms. For the House could not forget that it was about their beds that the people of Ireland had generally concealed their arms; and that when the magistrates went to their cabins with soldiers, in order to seize them, scenes of such brutal violence and cruelty occurred as humanity could not repeat, and as imagination could hardly conceive. He therefore entreated them to pause, before they gave their consent to so harsh, so severe, and so unprecedented a clause. An hon. gentleman in the course of the debate had said, that the great Whigs during the late disturbances had co-operated, as far as they could, with the leaders of the radicals. After all the protests into which they had entered since the commencement of the session against both the plans and the principles of the radicals, after the nightly repetitions which they had made of the disgust and abhorrence excited in their minds by the various artifices which they (the radicals) used to delude the people, was it not too much to say that the Whigs had co-operated with them? Could any men have gone farther than the Whigs had done in condemning both their conduct and the motive of their conduct? He had been inclined to grant through not without cause being shown for the grant, such additional powers to ministers as the exigencies of the times required; he had agreed to the training bill on the representations which had been made of the frequency of the practice; he would have agreed to this bill in all its clauses if any necessity for doing so had been made out to him. But no, that was not enough; it would not do for certain gentlemen in the House: they taunted him with observations like these—"You must consent to vote for the Seditious Meetings' Prevention bill; you must consent to vote for all the restrictions we intend to put upon the press; you must consent to vote for our Blasphemous and Seditious Libel bill; or else it must be considered that you are in league with the Radicals." If to defend the constitution under which he had lived in freedom from every attack, from every quarter—if to maintain those privileges which were the best inheritance of Englishmen, in their full vigour and purity, constituted the being in league with the Radicals, then he allowed that he was in league with the Radicals; then he allowed that he, much as he hated the term, was a Radical, and would continue a Radical as long as he lived. He never would consent to this bill in its present form; and he implored the House not to consent to it, if they had any respect to the feelings of men, either as fathers or as husbands. If the bill had only gone to meet the present danger, he possibly might have given his vote for it; but it did more than this, it contained clauses of wanton and unnecessary cruelty, and was so framed, that it would go farther than any measure which could possibly be devised to counteract the good effects which might be derived from other of the bills by which it was accompanied. Unless the amendments of his hon. friend were agreed to, he, for one, should vote against the bill.

Mr. *T. Wilson* thought it would be advisable to get rid of as much of the rigour of the bill before the committee as possible. He was convinced that the people were generally loyal and obedient; he did not therefore see any necessity for the extraordinary coercion that the obnoxious clauses manifested, and unless the bill were stripped of them, he conceived it would tend much to aggravate those who were well affected to the government of the country.

Mr. *Bootle Wilbraham* said, he had stated in 1812, that in the manufacturing districts the number of magistrates had at all times been small, from the absence of

gentlemen; and he thought that it would defeat the object of the bill to render the sanction of another magistrate necessary. Recent circumstances were not calculated to add to the number of resident gentlemen. At that time there existed a necessity for empowering a single magistrate to act, and that necessity existed still.

Mr. *Wynn* observed, that he did not see any reason why his right hon. friend should have singled him out as the most likely person to have interrupted the right hon. gentleman on the other side during the time he was reading a certain paper to the House, as he was not in the habit of rising to vindicate its privileges, except when he thought that the violation of those privileges tended to produce some practical inconvenience. With regard to the objections which his right hon. friend had taken against the precedents which had been quoted to defend this bill, he must say that they were rather of a curious nature. His right hon. friend had said that they referred only to the Highlands of Scotland, and therefore were not proper precedents for extending a similar measure to England. Why, however, he would ask, was the precedent confined only to the Highlands? Because in those days they were the chief seat of disaffection against the government. The same reason was sufficient for the application of similar measures to those districts which were now disturbed. No reasonable objection had yet been urged against the execution of the warrant by night, and therefore he should give his warmest support to the bill.

Lord *George Cavendish* declared his intention of voting against the bill, unless some alteration was made in the clause at present under discussion. Nobody could have a firmer reliance than he had upon the magistracy of the county which he represented: he was certain that they never would abuse any powers which might be entrusted to them; but there were other magistrates upon whom he could not place the same reliance, especially after the occurrences of the 16th of August. He felt himself warranted, from information which he had received from different parts of Derbyshire, in observing, that in that county, there had not been the slightest disturbance for some years, except that partial insurrection which took place a short time ago. Why, then, was Derbyshire to be included in the bill?

General *Grosvenor* said, that satisfied as he was of the necessity of passing a bill of this nature, he was not satisfied of the necessity of giving to the magistrates the right of searching for arms by night.

Sir *M. W. Ridley* believed the bill to be necessary, but argued against the clause empowering the search by night.

Mr. *Lyttelton* would not have thought it necessary to have spoken at all on this question had he not concurred with his honourable friends in thinking that this bill was stretched farther than humanity required, in giving to magistrates the power of search by night. Though he was afraid of an insurrection, and even of a rebellion, bursting forth in the manufacturing districts, he could not see any advantage arising from the execution of this search-warrant for arms in the night-time, which would not arise as well from its execution in the day time. Besides, the effect of the bill, if passed with this obnoxious clause in it, would be to excite disgust in the bosoms of the well-affected, who would be shocked by the horrors which would attend the execution of it. He did not, however, see the expediency of having the signature of two magistrates to the warrant, which had been so warmly advocated by some hon. gentlemen.

Mr. *Wilberforce* said, that he should vote for the original clause, and against the amendment. The publicity which was given to every transaction in this country would guard the powers which were entrusted to the magistracy under it from being abused. There was not a county under the operation of the bill which did not possess more than one or two newspapers; and if any abuse was committed, they would take care to blazon it forth to the country. Besides, let the committee remember for what the search was to be made. It was for arms which persons kept for the injury of themselves, and for the destruction of others; it was for the seizure of arms from persons who had made up their minds to resist legal authority. There could be no doubt of the object for which those arms were kept. Upon the principle of humanity, therefore, he would support the original clause. Prevention was better than punishment. It was better to seize the arms of evil-disposed persons than to suffer them to go on from bad to worse, from disaffection to blood and murder.

Sir *Joseph Yorke* said, he had voted for nine and twenty years on the ministerial side of the House, but, if the obnoxious

clauses were insisted on, he should, for once, favour the gentlemen opposite with his vote.

The committee then divided: For the Original Clause, 215; for the Amendment, 107: Majority 108.

*List of the Minority.*

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|---|---|
| Abercromby, hon. J. | Lamb, hon. G. |
| Allen, J. H. | Lambton, J. G. |
| Althorp, viscount | Lyttleton, hon. W. H. |
| Anson, hon. G. | Manning, W. |
| Aubrey, sir John | Macleod, R. |
| Baring, sir T. | Macdonald, Jas. |
| Beaumont, T. W. | Martin, John |
| Burton, R. C. | Maxwell, John |
| Benett, John | Mildmay, P. St. John |
| Barnett, James | Milton, visct. |
| Benyon, Ben. | Monck, sir C. |
| Bernal, Ralph | Moore, Peter |
| Birch, Jos. | Nugent, lord |
| Brougham, Henry | Ommaney, F. M. |
| Byng, George | O'Callaghan, J. |
| Calcraft, J. | Ord, W. |
| Calvert, C. | Osborne, lord F. |
| Carter, John | Protherne, E. |
| Cavendish, lord G. | Portman, E. B. |
| Cavendish, Henry | Palmer, C. F. |
| Clifton, viscount | Parnell, sir H. |
| Colborne, N. Ridley | Parnell, W. |
| De Crespigny, sir W. | Philips, G. |
| Davies, J. H. | Philips, G. jun. |
| Denman, Thos. | Phillipps, C. M. |
| Denison, W. J. | Price, Robt. |
| Duncannon, visct. | Rickford, W. |
| Dundas, Thos. | Ricardo, David |
| Evans,—— | Rancliffe, lord |
| Ellice, Ed. | Ridley, sir M. W. |
| Fazakerly, N. | Robarts, W. T. |
| Fergusson, sir R. G. | Robarts, A. |
| Fitzroy, lord C. | Russell, lord G. H. |
| Gaskell, Ben. | Russell, R. G. |
| Grosvenor, T. | Sebright sir John |
| Grant, J. P. | Scarlett, J. |
| Graham, Sandford | Sefton, earl of |
| Graham, J. R. C. | Smith, John |
| Grenfell, P. | Smith, Wm. |
| Griffiths, J. W. | Tavistock, marquis |
| Guise, sir W. | Taylor, M. A. |
| Gurney, R. H. | Tierney, rt. hon. G. |
| Heygate, ald. | Wilson, Thos. |
| Harcourt, John | Waithman, ald. |
| Hamilton, lord A. | Webb, E. |
| Harvey, D. W. | Wharton, John |
| Hill, lord A. | Whitbread, W. H. |
| Honywood, W. P. | Wilkins, Walter |
| Howorth, H. | Williams, W. |
| Hume, J. | Wilson, sir R. |
| Hurst, R. | Wood, alderman |
| Heron, sir R. | Yorke, sir J. |
| Kingsborough, lord | TELLER. |
| Kennedy, T. F. | Bennet, hon. H. G. |

On reading the clause which enumerated the counties to which the bill was to be limited, Mr. Brougham asked lord Lowther, whether he, as representative for Westmorland, had given any reasons for including that county?

Lord *Lowther* replied, that he thought it right to include Westmorland, as it lay between the disaffected districts of Scotland and Lancashire.

Mr. *Brougham* said, it appeared then that Westmorland was to be punished, not for any radical principles, of which it had none, but on account of its misfortune in being situated between radical districts. The noble lord happened, however, to be unfortunate in his geography, for Dumfriesshire was situated between the disaffected part of Scotland and Lancashire, and yet it was not included. Perhaps the noble lord might as well urge that Westmorland was included in order to prepare for another measure, to stop the radicals *in transitu* through that county.

Mr. *Bennet* said, that the noble lord had traduced the character of his county, and upon his authority the House was called upon to pass this most odious law respecting a peaceable and well disposed county, and in the most odious shape in which it could be passed; as it authorized persons to enter into houses during the repose of night. He wished to know, whether the county of Northumberland was to be included, and nine-tenths, who were loyal and well disposed, were to have this stigma upon them? Because the neighbourhood of Newcastle was infested by a few who were the object of contempt and indignation to the great body of the county, Westmorland was to have that stigma upon no evidence at all but the calumny of its own representative. No member so calumniated Northumberland.

Lord *Lowther* said, the hon. member had been very ready in advising him, but he thought this bill no stigma, nor would his county think it a stigma. He knew nothing of Northumberland; but as to geography he begged to say, that Westmorland was connected by situation with Lancashire, Cumberland, in which Carlisle was disturbed, and the West Riding of Yorkshire.

Mr. *Brougham* said, the noble lord had really let new light in upon them. Carlisle, then, was now considered disaffected and dangerous. The noble lord had thought otherwise before the 16th of August; for if he had not been misinformed, the noble lord had put down a loyal address proposed to be signed by

the grand jury at Carlisle, and had urged that there was no cause for such an address.

Lord *Lowther* said, that although that was so, yet the necessity of sending for the lord lieutenant, and other reasons for alarm, had afterwards changed his view of the state of that part.

Mr. *Wallace* defended the loyal address which he had proposed to the grand jury. He had thought it incumbent on them to do as others had done, very properly and very beneficially. No place was in a more dangerous state than Carlisle.

Mr. *P. Moore* proposed to have the city of Coventry excepted. The mayor and corporation, although as much at variance with the inhabitants as his majesty's ministers were with the whole of the people, represented the inhabitants to be loyal and submissive to the laws. This was part of a system of grinding and simple despotism, of encroachment on encroachment, plot on plot. This was the Pitt system long advancing in its desolating course, and now hastening to a consummation.

Sir *M. W. Ridley* said, that by letters he had received that morning, he could state, that there was every appearance of tranquillity, even in the places in the neighbourhood of Newcastle, where disaffection had appeased. Individuals were fast giving up the classes into which they had formed themselves.

Mr. *Bennet* said, that the noble lord who was one of the representatives of Derbyshire, had asked, why that county was included? The noble lord opposite had deigned to give no reply. The member for Coventry had asked, why the people of Coventry, reported by the constituted authorities to be in a state of perfect loyalty, should be included? Still no reply from the noble lord. The sole purpose of this extension of an unnecessary, irritating, and barbarous measure was to circulate the system of delusion and deception.

The report was ordered to be received to-morrow.

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## HOUSE OF COMMONS.

*Wednesday, December* 15.

Employment of the Poor.— Mr. Salisbury's Petition.] Mr. *Bootle Wilbraham* said, he held in his hand a Petition from a Mr. William Salisbury, the author of a plan for employing to advantage the labouring poor. The plan had been carried into execution in the city of London, under the authority of the magistrates, and had been found to answer so well, that he was convinced great benefit might be derived from its more general adoption, and he was desirous of obtaining the report of a committee of the House on the subject. The object of the petitioner was not to obtain any pecuniary compensation, but to have the attention of parishes drawn towards it, as he conceived that if his plan was carried into execution, it might diminish considerably the expense of the maintenance of the poor, by enabling parishes to employ them to advantage.

The Petition was then brought up, and read. On the motion that it do lie on the table,

Lord *Francis Osborne* put a question to Mr. S. Bourne, with a view to learn, whether he intended to move for the revival of the committee on the poor laws?

Mr. *S. Bourne* intimated, that he intended to move the re-appointment of the committee.

Mr. Alderman *Wood* said, he conceived it his duty to state that the petitioner's plan had been carried into execution in the House of Correction of the city of London on a small scale, and had been found of considerable advantage, in affording employment to persons capable of labouring. It gave employment to females as well as males. As far as the experiment had been tried, it had met with the approbation of the magistrates of London. As the object of this plan was the employment of the poor, and as an hon. baronet (sir W. de Crespigny) had given notice of a motion, which stood for to-morrow, for the appointment of a committee to take into consideration the plan of Mr. Owen, perhaps it might be advisable that Mr. Salisbury's plan should be referred to the same committee.

Mr. *B. Wilbraham* observed that the object of Mr. Salisbury was the employment of parish poor, whereas the plan of Mr. Owen went to the general employment of the poor in the agricultural districts. Mr. Salisbury's plan had already been carried into effect to a certain extent.

Sir *W. De Crespigny* observed, that Mr. Owen's plan was certainly on a more large scale, and went to the general employment of the poor in spade husbandry. Mr. Owen conceived that the distress of

labouring classes was occasioned by the extent to which mechanical improvement had been carried. He hoped the hon. member would postpone his motion for the appointment of a committee to consider Mr. Salisbury's plan, if he had such an object in view, till his motion for tomorrow was disposed of.

Mr. *Mellish* said, that Mr. Salisbury's plan might be of advantage in particular instances; but he disapproved of all plans of employing the people attended with great loss to the nation at large.

Mr. *S. Bourne* said, that the plan of Mr. Salisbury, having for its object the advantageous employment of parish poor, might be submitted to the committee on the poor laws.

The motion for the petition lying on the table was withdrawn with the consent of the House; after which, Mr. B. Wilbraham moved, that it be referred to a committee.

Mr. *Huskisson* thought it very possible the House might not think fit to appoint a committee to enter on so extensive a plan as Mr. Owen's; but the petition before the House related to a specific plan of employment for parish poor, and it was of great consequence, at the present moment, to inquire whether it could or could not be realised. Every gentleman acquainted at all with Mr. Owen's plan, knew that it embraced far more extensive plans than the employment of the poor.

Sir *W. De Crespigny* said, that Mr. Owen had no wish whatever of deriving any emolument from his plan. He had no other object but to benefit mankind in general, and this country in particular.

Mr. *J. Smith* was happy that any plan for the employment of the poor was in the hands of the member for Dover: it could not be in better hands.

Sir *C. Burrell* wished to caution the House against allowing themselves to be run away with by their feelings of humanity. It had been said in recommendation of the spade husbandry, that the produce from it was the double of that of the plough. A case on which great stress had been laid, was that of a tenant of the hon. member for Newcastle, who was said to have obtained a produce by the spade, of 17½ quarters of wheat per acre. On inquiry into the subject, he learned from the tenant himself, that the produce had only been 7½ quarters per acre.

Mr. *Brougham* was extremely averse to the giving a sanction to any visionary scheme of general employment of the poor. If any practicable plan were proposed for the better employment of the poor, lying within a narrow compass, that might be a fit subject for the examination of a committee. But the idea of superseding the plough husbandry by the spade throughout the whole country, was altogether out of the question.

Mr. *Lyttelton* suggested the propriety of having the petition printed, that members might have an opportunity of considering it before the motion for a committee was submitted to the House.

Mr. *B. Wilbraham* had no objection to accede to this suggestion.

Mr. *Wilberforce* thought the House ought to be very cautious how they gave countenance to the mistaken notions which prevailed among many people at present, with respect to extensive plans for the employment of the people. It might, however, be possible to provide employment in public works for great numbers of the working classes. The disproportion between the demand for labour and the number of labourers, would thus be lessened, by which wages would materially rise.

Mr. B. Wilbraham having withdrawn his motion, the petition was afterwards ordered to lie on the table and to be printed.

INSOLVENT DEBTORS.] Lord *Althorp* said, in rising to move for leave to bring in a bill for the relief of Insolvent Debtors, he wished to explain some particular circumstances in which it differed from the bill passed by the House last session. The House would recollect, that the bill of last session subjected the debtor to a previous examination of his affairs before coming into court, and that it gave the creditor the power of compelling the debtor to come forward and surrender his property. In consequence of the opposition which that bill met with in another House, the old Insolvent act was renewed till April next. His majesty's ministers had not only removed the late commissioner of the insolvent court, but they had removed every clerk, and in doing so, he was convinced they had acted most properly. Whatever was the cause, what had passed had taken away all confidence in that court, and a complete change was absolutely necessary. As far as he could learn, the effect of the change had been

every thing that could be wished. The present commissioner, as far as the provisions of the law would admit of it, had done every thing that persons engaged in trade could wish. In the bill of last session, he had assumed, that it was impossible for one commissioner to do justice between all parties; but from what had been done by the present commissioner, he thought one commissioner would be sufficient. He understood the bill was lost in another place, principally on account of the power which it gave creditors to compel debtors to take advantage of the act, and to sell their real property. It appeared to him, that the real property of debtors ought to be subject to the payment of their debts, and that a provision to that purpose ought to be adopted. But as such a provision might be fatal to the success of the bill, he now proposed that the real property of the debtor, instead of being sold for the benefit of the creditor, should only be sequestrated for their benefit, the estate itself not being taken from the debtor. His object was to have the bill printed before the recess, that gentlemen might have time to consider it during the recess. The present act expired on the 23rd of April, and he wished to bring this bill before the House soon after the recess, as it was important that a measure of so much importance should have due consideration. He thought it absolutely necessary that a previous examination into the affairs of the insolvent should take place, and that the creditor should have the power of compelling the insolvent to take the benefit of the act, and unless he carried these two points he should consider it his duty to oppose any bill for the relief of insolvent debtors. He concluded with moving for leave to bring in a bill for the relief of insolvent debtors.—Leave given.

Blasphemous Libel Bill—Petition of the Booksellers against it.] Mr. *J. Smith* said, he had a petition to present, to which he took the liberty of requesting the most serious attention of the House, as the subject of it was of the greatest importance, and it was signed by some of the most respectable persons in this metropolis. It was a petition signed by 52 booksellers and printers of this metropolis, complaining of that provision in the bill now in progress through the House, for the punishment of blasphemous and seditious libels, by which a second conviction was punishable with banishment, and transportation for seven years. Many most respectable men were in the occupation and trade of bookselling, and invested large capitals in it. From their education and attainments, they were qualified, in point of fact, for the best society in this country; and they were in a state of the greatest distress and alarm on account of this bill. It was well known that the greatest uncertainty prevailed with respect to what was or was not a libel. That was a libel which was pronounced to be so by a jury. Those gentlemen were as desirous as any persons could be that the extensive circulation of blasphemous libels should be prevented as far as possible; but they humbly conceived that the punishment of transportation, which the law applied only to felons and persons convicted of the greatest crimes, and was, therefore, not analogous to the offence in question, was not called for to ensure that object, and would have the effect of preventing respectable persons from embarking their property in the trade of bookselling. Among the petitioners were individuals possessed of enormous capital; some of them had hundreds of thousands of pounds passing through their hands every year. Was it possible that men would embark capital in a trade which they could not carry on with security, if unfortunately they were once convicted of a libel, for the second offence sent them to New South Wales? Among the gentlemen who had subscribed this petition, many would abandon the trade were this bill to pass. They hoped that some other mode of punishment would be substituted to this severe one. Were this bill to pass as it was, it would be in the power of any discontented person, any person employed in a shop who had a dispute with his master, to put this individual in danger.

Mr. *Bernal* said, the literature of the country was inseparably connected with its prosperity, and any restraints on literature could not fail to be attended with the most ruinous effects. Speaking from his own personal knowledge, he could say, many individuals of great wealth and intelligence were engaged in the book trade in London. He hoped the House would pay serious attention to the petition. He hoped the noble lord and his colleagues would think it due to the intelligence and general loyalty of the petitioners, to pay some attention to the petition.

The Petition was brought up and read. It was to the following effect:

"That we have observed with concern the increased and extensive circulation of certain seditious and blasphemous libels which have of late been printed and published, and are anxious that such remedy may be provided as to the wisdom of parliament shall seem fit; but that we nevertheless view with great apprehension and alarm the provisions of a bill now under the consideration of the House of Commons, entitled "An Act for the more effectual Prevention and Punishment of Blasphemous and Seditious Libels," so far as it is proposed that it should be thereby enacted, that if any person shall, after the passing of that act, be legally convicted of having composed, printed, or published, any blasphemous libel, or any such seditious libel as therein mentioned, and shall, after being so convicted, offend a second time, and be thereof legally convicted, such person may, on a second conviction, be adjudged, at the discretion of the court, either to suffer such punishment as may now by law be inflicted in cases of high misdemeanors, or to be banished from the united kingdom and all other parts of his majesty's dominions, for such term as the court, in which such conviction shall take place, shall order, or to be transported to such place as shall be appointed by his majesty for the transportation of offenders for any term not exceeding years; and that it should be farther enacted, that if any offender who shall be so ordered by any such court as aforesaid, to be banished or transported in manner as aforesaid, shall be afterwards at large within any part of the united kingdom, or any other part of his majesty's dominions, without some lawful cause, before the expiration of the term for which such offender shall have been so ordered to be banished or transported as aforesaid, every such offender being so at large as aforesaid, being thereof lawfully convicted, shall suffer death as in cases of felony without benefit of clergy.

"That the punishment of transportation and of death are punishments applicable only to felonies and offences, so specific and certain in their nature, as to exclude the commission thereof through ignorance or inadvertence, and necessarily to include the evil intent in the felonious or illegal act. But that the offence of libel is not specific and certain, and is incapable of being rendered previously certain by any specific definition; and that libels may be, and frequently are, published by persons having no community of intention with the authors or composers thereof; and being, from the nature of their business, necessarily unacquainted with the contents or probable effects of the same.

"That questions of libel, both in law and fact, are determined by a jury on the prosecution thereof, and that the verdict of the jury upon a trial, is the sole criterion of judgment, as to the legal or illegal nature and effect of a publication; and that such verdicts, depending upon individual opinion, are always uncertain and frequently contradictory, in so far, that the authors and composers and first publishers of political and other publications have, in some instances, been acquitted upon prosecutions for libel; and subsequent venders, no way concerned in the printing or first publishing thereof, have been convicted by different juries for the publication of the same libels, and punished upon such conviction by fine and imprisonment.

"That a verdict of acquittal, on a prosecution for libel, whereby the publication complained of is declared in the opinion of the jury to be obnoxious, does not legitimate the continued sale thereof, but that the same defendant is subject to prosecution for each subsequent act of publication of the same work, and in doubtful cases, is liable to probable eventual conviction and punishment; and that a prosecution for libel, even in cases of acquittal, does therefore generally operate to restrain the continued circulation of the offensive work, and in some cases to suppress the same altogether.

"That as general booksellers and publishers, we are more especially affected by the proposed act, and that the more extensive and respectable the trade carried on is, the more probable it becomes that we may, innocently and with good intentions, fall under the censure and punishment of the proposed law.

"That instances are not wanting in which booksellers have been convicted, and have suffered punishment, for the sale of libellous works, by servants without their privity, and, it may be, even contrary to their command; and that as no circumspection can guard against the malice of an offended, or the negligence of a careless servant, we shall be liable to incur the ultimate penalty of the proposed law, for acts of which we are not even

cognizant, and against which prudence would be unavailing.

"That from the nature of our trade, we are daily employed to execute orders from customers as intermediate hands, in the distribution of new works, of the contents and nature whereof we are unavoidably ignorant, and that for each copy of such works so distributed by us, we are now responsible upon an indictment or information, and areliable, not with standing the perfect integrity of our intentions, to punishment, as in case of a misdemeanor; and that if the proposed bill should pass into a law, we may in such cases become liable to transportation for seven years, and to the punishment of death in case of return from transportation.

"That a very great number of historical, political, and religious works, are written and composed and published in London at stated periods, and that most of such works are of temporary and immediate public interest, and that such works issue from the press, and pass through the hands of several different booksellers, and many thousands thereof are delivered to the readers thereof within a very few hours after their first publication, and that a previous perusal or consideration of such works, by such venders of the same as are not the original or first publishers of the same, is impracticable.

"That many standard works upon historical, philosophical, and political subjects, which have now obtained a classical reputation, and are daily sold by respectable booksellers, under the licence of a long prescription, may be reasonably considered to be liable to question as libellous by analogy to more recent works which have been subjected to persecution, and that such standard works therefore do not present any criterion for judgment as to the effect of new publications—but may themselves be the subject of future prosecution, and may subject the venders thereof to the punishments proposed by the said bill.

"That the ignominy of a punishment which it is proposed to make common to authors, printers, booksellers, and felons, while it operates to deter learned and respectable writers of the most virtuous principles, from treating on political or religious subjects at all, will especially prevent them from engaging in the composition of reviews, magazines, and other vehicles of periodical discussion, to the great and permanent detriment of learning; and will seriously injure the trade of booksellers and printers, in which they have large capitals embarked especially in that extensive branch which embraces the most respectable periodical works in the country; and will tend to throw them into the hands of reckless and desperate men.

"That although we have the greatest confidence in the wisdom and integrity of the present judges of his majesty's courts of law, yet that the power to expatriate and transport for a crime not specific but indefinite in its nature, which exposes ignorance and inadvertence, equally with intentional guilt, is of too extensive and dangerous a nature to be confided to any authority whatever, to be exercised at discretion; and that, in relation to a crime whose turpitude is heightened or diminished by the political aspect of the times, such a power, especially if rendered permanent, might become the engine of great injustice and oppression, against which no character, however perfect, would be a protection.

That from the circumstances stated, our trade and means of living, if not totally destroyed by the intended bill, would be carried on under a state of hazard and insecurity, productive of constant mental inquietude, and destructive of the comfort of ourselves and our families.—They therefore pray that the bill may not in its present state pass into a law."

The Petition having been read,

Lord *Castlereagh*, with reference to the prayer of this petition said, he wished to state, that when they went into a committee on the bill now on the table, for the punishment of blasphemous and seditious libels, it was his intention to propose an alteration in it, which would in a great measure meet the views of the petitioners. He was sure there was not a more respectable class of men in the country than the booksellers of London. He did not mean to press the punishment of transportation. It was absolutely necessary that the country should be protected against the offence of publishing treasonable or blasphemous libels, by a punishment adequate to that object; but as the punishment of transportation had been particularly objected to, from its having been hitherto assigned to felons, and as he thought the interests of the country might be sufficiently protected by banishment, at the discretion of the court, he should introduce an alteration to that effect. The in-

dividual excluded from the country, would not be liable to transportation, unless he returned from his banishment without the consent of the Crown. This security, he trusted, would be found effectual, as transportation was one of the alternatives on a return from banishment. They would thus still adhere to the principle of the bill, as far as related to the second offence.

Mr. *M. A. Taylor* said, though some part of the obnoxious matter of the bill was removed by the removal of the punishment of transportation, yet till it could be shown that the bill was absolutely necessary, he for one, should oppose it. It was a measure which should be met, in the first instance, as introducing an offence not known to the law of England. Even if the present law were found insufficient for the suppression of those blasphemous and seditious libels, which it was the wish of every man to put down, yet it remained for the noble lord to prove the pressing necessity for introducing this with the other bills which he had brought forward. When such a change in the law was to be made, why not announce it, and allow time for the consideration of it? Why, but because he believed there would be but one voice in England upon the subject. He could conceive the propriety of introducing bills respecting meetings, upon the spur of the occasion, and if they had been limited to the time of exigency, there were those in the House, perhaps, who would not have made much objection to them. But the objection now was, that in three weeks we were actually to change the constitution of the country. Though the noble lord had made a concession by taking away the punishment of banishment, with a view to obviate the opposition of some, he deemed it his duty to state that the concession did not satisfy him.

Lord *Castlereagh* said, that he did not mention the alteration he had made in the idea that argument would be taken away, but because he deemed it right to apprise the House of the alteration he intended to propose.

Ordered to lie on the table.

NEWSPAPER STAMP DUTIES BILL.] Lord *Castlereagh* rose to move the second reading of this bill, and observed, that in so doing, he might satisfy the object of the right hon. gentleman opposite, as well as his own, and the general convenience of the House. The bill might then be committed to-morrow and reprinted, so as to be in the hands of members on Friday next. On the question of the third reading the general principle of the bill might be discussed, and he apprehended that this course of proceeding would be found the most advisable which could, under the present circumstances, be adopted. The alterations which it was in contemplation to propose he would now endeavour shortly to explain. The first branch of the measure was that which rendered it applicable to all publications sold under a certain price and treating of political matters. There were two classes of works which he did not think it necessary to include in this description; the one consisted of occasional publications of a local nature, and involving only local interests; the other respected periodical works, published at intervals considerably distant from each other, and which were of considerable importance, both as they related to the diffusion of knowledge and the support of religion and morality. It did not appear to him that it would be proper to saddle such publications with the new duty of four-pence upon each separate number. The House would readily see that the great object of this measure was to apply only to works which were the channels of mischief, and the means by which sedition and blasphemy were propagated through the country. It was intended, therefore, to confine its provisions to periodical works published in succession within the term of 26 days, so as in fact to exempt all monthly and other publications not coming forth within that time. Still, in order to guard against the means of obvious invasions, it might be necessary that the periods of publication should be required to be uniform, and that the application of stamp-duties to all works conveying intelligence should not be avoided. The second branch of this bill referred to the subject of securities to be given by persons publishing facts or intelligence of a particular kind. It was not intended to press inconveniently on newspapers, the principle end in view being to put a responsibility on all persons who sent forth works of a particular description to the public. He certainly must adhere to the principle of requiring security from the publishers of all papers or pamphlets of less than two sheets, and sold under the price of 6*d.*, and issued within the period to which he had alluded. At the same time he wished it to be un-

derstood, that the new stamp duties should only be coextensive with periodical publications. The security required as the bill was now framed was 500*l.* generally from the printer; it being at his discretion to produce it himself, or obtain it from three or four other persons. It had been stated to him that this sum was too large, and might be more easily raised or answered for in some places than in others. The times, however, in which we lived, seemed to him to require, that persons exercising the power of the press should be men of some respectability and property. But as it was represented that this sum of 500*l.* might press too heavily on persons of a moderate capital, or in distant places, he would propose to reduce the sum to 300*l.* in London and its vicinity, and to 200*l.* in the provincial towns. He was aware that it might be urged that there were persons not possessed of any capital, who were still anxious to address the public on political questions. Cases of individual hardship might certainly arise; but at a time like the present, it appeared to him necessary that the law should be made effectual for its purpose. An argument might certainly be raised as to the influence of pamphlet writing, upon the morals and interests of the community. Into that argument he would not now diverge. It affected entirely the general principle; and all that he now meant was to give a general description of the amendments or modifications which he was ready to support.

Mr. *Tierney* felt much obliged to the noble lord for the explanation which he had just given. Without abandoning his objections to the principle of this measure, he was willing to close with the noble lord's proposition as to arrangement.

Mr. *Brougham* wished that the ground upon which he assented to the second reading should be distinctly understood: the explanations which had been given did not at all remove his general objection to the measure; but he certainly could perceive no advantage which could be derived from discussing it until it was printed with its new alterations. After all that had been said, he still remained of opinion that the introduction of a new punishment into our law was the most dangerous innovation which had been attempted in his time. To another principle he must also decidedly object. It was that which held forth that the possession of a certain fortune was necessary before any man should discuss political questions through the press.

The bill was then read a second time.

Misdemeanors Bill.] Lord *Castlereagh*, referring to the order of the day for the second reading of the bill regarding the right of traversing on indictments or informations for misdemeanors, stated, that if no objection was entertained, he should propose that it be now read a second time.

Mr. *Tierney* observed, that it must be within the recollection of the House, that in his former allusions to this measure, he had spoken in ignorance of its provisions. As he was now informed upon that point, he felt his principal objection removed.—A noble friend of his had, in another place, effected an alteration which would be more beneficial to the interests of society than any enactment for a long period. The power of prosecuting on the part of the Crown was at length defined and limited. He made these remarks with the more satisfaction, because the noble lord to whom he had alluded (lord Holland) was a Whig of the first distinction.

Mr. *Brougham* professed himself to be also desirous of acknowledging the merits of the noble lord to whom allusion had been made, and he felt it to be the more necessary on this occasion, because the credit of those modifications which the bill had undergone had been, he would not say taken by, but given to, another noble lord, who certainly had never shown himself an advocate for Whig principles; and it might also be remarked, that a similar provision had been submitted by his noble friend five years ago, and rejected by the other House.

Lord *Castlereagh* said, he was glad that the merits of the bill were acknowledged: whether they were to be ascribed to one noble lord, or to another, he would not then inquire.

The bill was then read a second time.

Seizure of Arms Bill.] The report of this bill was brought up. On the motion that it be now read,

Mr. *Powlett* said, that though he acknowledged the necessity of the application of the bill to the north of Durham, there was no necessity for it in the south and western parts. He hoped the noble lord would consent to exempt them.—There was an example for this, as the west riding of Yorkshire was the only part of that county subjected to the bill.

Lord *Castlereagh* thought it was necessary to take the districts which were or had been disturbed, in a large and liberal sense. Though the Bill was an encroachment on constitutional right, it was necessary for security's sake, not only to cover the part where evil prevailed, but so much of the sound part as would prevent the disease from spreading. Though it was unpleasant to resist such appeals from gentlemen, he thought the purpose of the bill could not be answered if counties were divided into districts.

Mr. *Lambton* said, he was extremely obliged to his hon. colleague for taking credit for the loyalty of the south-western part of Durham, in which he (Mr. Powlett) resided, at the expence of the northern parts. Now, he would say, that the northern part was equally free from disaffection. The western part just as much merited to be subject to this bill as the northern, that was to say, not at all. He moved, as an amendment, that the report be read, on this day six months.

Mr. *J. Martin* supported the amendmet, on the ground of the clause in the bill allowing a search by night.

Mr. *Ommaney* begged to call the attention of the House to the fact, that the bill would take a different character, if the hours for searching houses were limited, according to the suggestion he had formerly offered. He hoped a clause to that effect would still be adopted, and in that hope he should vote for the amendment.

The House divided; For the Amendment, 38; Against it, 94: Majority, 56.—The report was agreed to.

*List of the Minority.*

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|---|---|
| Anson, hon. G. | Nugent, lord |
| Allen, J. H. | Palmer, C. F. |
| Benett, J. | Protheroe, E. |
| Bennet, hon. H. G. | Parnell, Wm. |
| Brougham, H. | Ricardo, D. |
| Crompton, S. | Rancliffe, lord |
| Davies, T. H. | Ridley, sir M. W. |
| Denman, T. | Robarts, W. T. |
| Dundas, Thos. | Robarts, A. |
| Ellice, Ed. | Russell, lord J. |
| Ferguson, sir R. C. | Sefton, lord |
| Fitzroy, lord C. | Tierney, rt. hon. G. |
| Grant, J. P. | Webb, Edward |
| Graham, J. R. G. | Wilkins, Walter |
| Griffiths, J. W. | Wilson, sir Robt. |
| Hume, Jos. | Wilson, T. |
| Heron, sir R. | Wood, alderman |
| Kennedy, T. F. | TELLERS. |
| Lyttelton, hon. W. | Lambton, J. |
| Martin, John. | Osborne, lord F. |
| Moore, Peter. | |

## HOUSE OF COMMONS.

*Thursday, December* 16.

MANCHESTER MEETING.—PETITIONS OF MESSRS. REDFORD, BOWKER, BARLOW, AND LEES.] Mr. *Brougham* said, he held in his hands a petition from a person of the name of Thomas Redford. He had not any acquaintance with this person, nor could he vouch for the accuracy of the statements in the petition, but it was couched in respectful language.

The petition was brought up and read. It purported to be the petition of Thomas Redford, of Middleton, in the county palatine of Lancaster, hatter; and sat forth,

"That for the purpose of agreeing to an address to his royal highness the Prince Regent, and of adopting such resolutions as might seem fit, the petitioner, with many others of his fellow townsmen, attended a meeting at Manchester, on the 16th day of August in the present year, which meeting was legally convened by public advertisement according to the form prescribed by a law recently passed in the House, and sanctioned by the other branch of the legislature, as well as by the executive power of the land; but though guarded by the solemn enactments of the legislature, though acting under, and confiding in, the stern mandate of the law, which saith to the ruthless and violent, 'so far shalt thou go with impunity, and no further,' though rudeness or insult had not been known that day, by the petitioner or his neighbours, nor outrage expected, yet, in the very commencement of their peaceable and constitutional proceedings, they were interrupted by an armed force, denominated the Manchester Yeomanry Cavalry, professing an extraordinary share of loyalty, which in the humble judgment of the petitioner is only to be found in a due observance of the law; by men thus circumstanced, disguised in military accoutrements, and with implements of death in their hands, was this sacred enactment broken, and the blood of his majesty's liege subjects shed without cause without warning of any kind, and apparently without remorse; for be it known to the House, that the men disguised as aforesaid, rushed without delay into the crowd, cutting and bruising with their sabres, and trampling under the hoofs of their horses, the miserable victims of their fury, who were unable, through the intense pressure, to open a way before them,

and after they had secured several persons as prisoners who were upon the hustings, even after this professed object of their interference had been accomplished, they suddenly wheeled round upon the astonished and defenceless multitude, and with a rage violent as it was unmanly and unprovoked, commenced anew the work of terror and destruction: in this moment of danger the petitioner was driven by the crowd towards some timber which lay upon the field, where, hemmed in on all sides by the military, and unable to escape, he received from one of the Manchester yeomanry Cavalry, named Alexander Oliver, a severe cut by the sabre, which separated his shoulder-blade, and penetrated deep into his back; that for this violent outrage and breach of the laws, the petitioner has not been able to bring the delinquent to the bar of his country, in consequence of the refusal of the local magistracy to receive depositions respecting the aforesaid transactions; therefore, to the justice and to the humanity of the House the petitioner now appeals, and humbly though earnestly, claims from it that indemnification which the law would award, but which is vainly sought for in the courts, and that protection from similar outrages to which every Englishman is entitled, but which the petitioner is convinced can only be obtained by the prompt interference of the House, in investigating the inhuman transactions of which he complains."

Mr. *Lambton* presented a petition from Thomas Bowker of Crawshawfold, in the county Palatine of Lancaster, setting forth:

"That on the 16th day of August last, the petitioner attended a public meeting at Manchester, which meeting the petitioner at that time supposed, and still believes, to have been perfectly legal, but that, notwithstanding its legality, and the decorum which prevailed, it was violently attacked and dispersed by the Manchester Yeomanry Cavalry, acting under the local magistracy; that in the confusion which ensued the petitioner was thrown down and trampled upon by the horses, and by the crowd who were flying in terror from their attack, whereby he was shockingly bruised in many parts of his body and his limbs, and he had no sooner recovered from his perilous situation than he attempted, as well as his disabled state would permit him, to retire from the scene of danger and confusion, but had not proceeded farther than a street near by, the name of which is to him at present unknown, than he was attacked by a foot soldier whom he believes belonged to the 88th regiment, and received a severe wound in the belly from a thrust of his bayonet, at the same time that another soldier of the same regiment made a desperate push at the petitioner, which he avoided by throwing himself on the ground; that for these severe bruises and wounds, whereby the petitioner was prevented for a considerable time from earning his livelihood, and from the effects of which he is not yet recovered, he has received no indemnification, and trusting in the wisdom and humanity of the House, which cannot see the liberties of Englishmen wantonly violated, nor their lives put in jeopardy, he solicits such interference on the part of the House as shall bring the authors and executors of the above outrage to the bar of his country."

The petition having been brought up and read,

Mr. *Lambton* said, he regretted extremely the troubling the House with anything relating to himself. But in consequence of what was stated the other night by a noble lord, he had written immediately to his agent. It would be in the recollection of that House, that the noble lord had stated he was informed that his (Mr. L.'s) agent had dismissed several individuals from his mines in consequence of their being radicals. By a letter which he had this day received from Durham, his agent positively assured him that no radicals had been dismissed from his employment, that he was astonished such reports should be propagated; that the men were never more peaceable than at the present moment.

Sir *Robert Wilson* presented a petition from Thomas Barlow, of little Heaton, in the county Palatine of Lancaster, weaver, setting forth,

"That being at a public meeting which was legally convened at Manchester in the aforesaid county on the 16th of August last, and which said meeting was assembled in an orderly and peaceable manner, when it was assailed by an armed force, styled the Manchester Yeomanry Cavalry, and thrown into great confusion thereby, and a number of lives lost by pressure, by being trampled upon, and by wounds inflicted by the sabres of the yeomanry, aforesaid, and in the horrid confusion which ensued, the direct road of the petitioners retreat was obstructed by one of the said

yeomanry, to whose humanity he appealed for that forbearance which in the day of battle himself had never refused even to the enemies of his country, but which, as a sailor and an Englishman, he now asked for in vain; for in attempting to pass the person aforesaid, the petitioner received from him a severe cut upon his head, followed by a lunge at his body, which with difficulty he parried from him with his arm, having no stick or weapon of any kind; that for this outrage and attempt upon his life the petitioner has not received indemnification, nor is he able to identify the person of his assailant, in consequence of his being disguised in the clothes and accoutrements of a soldier; wherefore the petitioner humbly prays, That the House would take such measures as may bring the authors, abettors, and executors of this unmanly outrage to justice."

Sir *Francis Burdett* presented a petition from Robert Lees, of Oldham, the father of Robert Lees, a young man who died in consequence of the wounds he received on the 16th of August, at Manchester, chiefly complaining of the manner in which the inquest on the body of his son had been conducted by the coroner, and of the impossibility of bringing the persons guilty of the violence by which his son lost his life, to trial.

Mr. *Blake* said, it did not appear that any application had been made for a criminal information against the magistrates who were said to have refused to interfere. The petitioner therefore had not done what he ought to have done. The conduct of the coroner was complained of. It appeared from what took place in the court of King's-bench, in consequence of the application for a mandamus, that the inquest was one of the most illegal proceedings which ever took place—as soon as the coroner perceived he had done wrong, he did what he could to redress that wrong.

Mr. *Brougham* said, the hon. gentleman was quite mistaken as to the particulars of the proceedings in the Court of King's-bench, with regard to the inquest. The court entertained the motion for a rule to show cause why a mandamus should not be issued to the coroner, and the only reason why the mandamus was not issued was, that the coroner came forward and stated his own irregularity as an excuse for not proceeding further with the inquest. The coroner had acted illegally—he did not mean to say wilfully so—but he had acted illegally, first in proceeding with an inquest, which had been sworn by his deputy, and without having seen the dead body, and then adjourning the inquest for seven weeks. His own irregular proceeding rendered it impossible to proceed with that inquest. The coroner jumped at this. "O," says he, "if I have acted illegally, I shall stop here, and not go on any farther." The coroner himself had effected this—he jumped at it—and then they were to be told that the people were extravagant in their demands, when they were not satisfied with this mockery of all justice! He was always disposed to speak with respect of the courts of justice; but when he saw that called justice which was a mockery of all justice; when he saw a bare-faced collusion like that which had long been exhibited in the face of the country, when he saw a coroner questioning his own irregularity, and availing himself of his own breach of the law, to escape from the necessity of executing the law, he could not think of dignifying such a mockery of the people of England with the name of justice. They might depend on it, the more they probed these disgraceful transactions, the more infamous they would appear. Gentlemen might wish to stifle all inquiry; but they would never succeed in stifling the discontent which existed, till they inquired both into the proceedings of the 16th, and the proceedings of the coroner. He did not approve of the transactions of the 16th of August, but he was convinced that not half the agitation and disgust had been excited in the country by those transactions, as by some which unfortunately had followed them; the first, the unhappy fatality (for he blamed no one) by which the grand jury for the county of Lancaster threw out the bills which were presented to them. For if there had been a trial before a jury of the county, and one of the twelve judges of the land, not before a Lancashire magistrate, or an Oldham inquest, whatever the result had been, the country would have been satisfied with it. That was the first unfortunate circumstance; the second, was the conduct of the coroner at the different examinations, coupled with the subsequent proceedings at Warrington, and the ultimate adjournment of that inquest, as if with a view to prepare the way for putting an end to the inquiry altogether, in the way

which was afterwards pursued: these facts, he feared, had made the breach between the people and the constituted authorities, if not irreparable, at least infinitely wider than it had been before. It was said by an hon. gentleman, that there were false statements in the petition, but this was no objection to the reception of the petition, nay, even in the present practice, it seemed to be no objection to a speech. When it was necessary to raise a false alarm, there was no objection made to a statement, that 100,000 men were in arms, out of a population of only 150,000 men, women and children, altogether. The physical impossibility was not thought of. It was rather deemed an argument to heighten the alarm. What! it was said, in so narrow a district as that between the Tyne and Weir, in a district with so few people, good God—100,000 men in arms! Then afterwards, in a place which he could not name, it was said by one noble lord, that the colliers on the Tyne were all in arms, to the number of 16,000. Another noble person immediately took up the subject, for both seemed on the occasion *respondere parati*, and said "yes, they are all in arms, not 16,000, but 16,600 exactly." [A laugh.] But now it turned out on the statement of the hon. member for Newcastle, that the whole of the colliers in the district barely amounted to between 15 and 16,000: so that not only more than the whole male population were armed above ground, but more than the whole population were armed under ground also. The hon. member for Durham had also told them, that out of the whole of the colliers, his own amounting to more than 1,000, were not in arms. But it seemed that in the fervour and enthusiasm of alarm, gentlemen did not care what statements were made, or what statements were believed; it reminded him of the Hudibrastic couplet, so often quoted—

"Certes, the pleasure is as great
Of being cheated as to cheat."

The petition was then read. It purported to be the petition of Robert Lees, of Oldham, in the county palatine of Lancaster, cotton spinner; and sat forth,

"That the petitioner's son John Lees, a youth twenty-two years of age, having attended the meeting held at Manchester, on the 16th of August last, was, as the petitioner is led to believe, without any just cause or provocation, most inhumanly attacked and cut by the yeomanry cavalry, and afterwards most unmercifully beaten by the clubs or batons of the police and special constables, and also trampled upon by the horses of the cavalry, whereby he was so much injured that he was from that time incapable of attending to his ordinary employment, and lingered in pain and debility until the night of the 6th of September following when he died; that the surgeon who attended the petitioner's son having certified that his death was occasioned by violence, several householders in Oldham and the neighbouring townships were served, late in the evening of the 7th of September, with summonses from the coroner of the district, to attend the next morning, at half-past ten o'clock, to serve as jurors on an inquest to be held on the body of the petitioner's son, and, at the time appointed, the said jurors assembled, and were met by a person named Battye, who attended as deputy for the said coroner for the purpose of inquiring into the cause of the death of the petitioner's son; and, having sworn the jury, he attended with them to take a view of the body, but finding that several witnesses had arrived from Manchester to give evidence upon the said inquiry, he refused to proceed in the inquest; and having adjourned the same for three hours, he at the expiration of that time further adjourned the same until the 10th day of the same month, when the said Battye promised that either Mr. Ferrand, his employer, or Mr. Milne, a neighbouring coroner, should certainly attend and proceed in the investigation; that, on the next day, a surgeon attended by the direction of the said Mr. Battye, to open and examine the body of the petitioner's son, and he was then allowed to be interred; that, on the 10th day of September, the jury again assembled; but, although Mr. Milne attended, he refused to interfere, in the business as he said it did not belong to his district, and the inquest was farther adjourned until the 25th day of the same month; and during this interval some of the Manchester newspapers inserted the vilest falsehoods to depreciate the reputation of the deceased, with a view as the petitioner believes, to extinguish every feeling of sympathy for his fate; that, on the 25th of September, Mr Ferrand attended, and after swearing the jury, and ascertaining from them that they had all seen the body, he proceeded to examine witnesses; but in the course of the investigation he adjourned several times for

days together, without any reasonable or probable cause, and merely, as the petitioner believes, to harass and tire out the witnesses, who came day after day a considerable distance to give testimony; that in detailing his complaint to the House, the petitioner exceedingly regrets he should be under the necessity of impeaching the conduct of any individual, especially one employed in the administration of justice; but the petitioner is compelled by a regard to truth to declare that according to all the information he had received from numerous individuals who witnessed the proceedings of the inquest the coroner throughout evinced a manifest partiality for the magistrates and yeomanry cavalry of Manchester, to whose illegal and violent conduct the petitioner attributes the premature death of his son; that, among other things, the said Mr. Ferrand refused to allow the witnesses to give in evidence numerous acts of violence and atrocity committed by the said Manchester yeomanry upon the people so assembled at the meeting in St. Peter's Field, or to state the names of the said yeomanry, immediately before they entered the field, evincing a determination to perpetrate the violent acts of which the petitioner complains: that the said Mr. Ferrand prohibited the reading of the acts of parliament passed for the regulation of the conduct of coroners, whereby all coroners were directed to receive the species of evidence rejected by him on this occasion; that, in the progress of the investigation, the solicitor employed by the petitioner inquired of the coroner whether or no he had seen the body of the petitioner's son, to which inquiry he peremptorily and repeatedly refused to give any answer; but sometime afterwards he went secretly and clandestinely, in the middle of the night, and had the grave of the deceased opened for the purpose of seeing the body; by which extraordinary proceeding the town of Oldham, and the surrounding neighbourhood, were in some degree alarmed and agitated, whereupon the coroner stated that he found it necessary to adjourn his court to Manchester to pursue the investigation; that, at length on the 13th of October, when the evidence on both sides was, as the petitioner believes, brought very nearly to a close, the coroner, without offering even a pretext for such an unparalleled proceeding, adjourned the inquest until the 1st day of December instant; that the petitioner believes, from the evidence before the said coroner, that a verdict of wilful murder must and would have been given against many individuals engaged in the cruel attack before mentioned; and the petitioner is informed, that Mr. Ferrand the coroner, stated that he had no doubt such a verdict would be pronounced if he allowed the jury to come to a decision; and the petitioner has good reason to believe that the last mentioned adjournment was made solely with a view to screen and protect the delinquents who were likely to be affected by the verdict of the jury; that it being understood the said Mr. Ferrand, intended still further to adjourn the said inquest, an application was made in the last term, by the petitioner's solicitors, for a rule to show cause why a writ of mandamus should not issue to be directed to the said Mr. Ferrand, directing him to proceed forthwith in the said inquisition; but the said Mr. Ferrand showed cause against such a writ being granted, and the court discharged the rule, as the petitioner understands, on the ground that Mr. Ferrand had probably rendered the proceedings of the said inquest invalid and nugatory by neglecting to view the body at the same time with the jury, that the said Mr. Ferrand, gladly availing himself of, and seizing with avidity the suggestion as to the illegality of the proceedings, wholly neglected to meet the jury on the 1st instant as he had appointed by his own adjournment, but, his clerk, Mr. Battye, stood at the door of the inn, and told the jury as they arrived that their attendance was no farther required, and that they might go about their business, and thus has terminated the proceedings on which alone the petitioner relied to bring the guilty before a superior court of judicature for trial, and ultimately justice; that it has been intimated, as the petitioner is informed, that the course of justice was not impeded by the proceedings of the before-mentioned inquest being set aside, because it was still open for the petitioner to proceed, either by obtaining a writ directing the magistrates of the county to take the inquisition, or by indictment before the grand jury, but, independent of the delay which must result by adopting either of these modes, the petitioner humbly submits to the House, whether it is not mocking his already agonized and harassed feelings, to refer him for justice to the very persons against whom he com-

plains, or to a body who are likely to be composed of their relatives and intimate friends, especially when it is considered that the prejudiced opinion of a similar body has been already evinced by their throwing out bills of indictment against several of the Manchester yeomanry for maliciously cutting down the unarmed and unoffending people on the melancholy 16th August, and by their extra judicial denunciation transmitted to government at the very last assizes held for the county of Lancaster, wherein, after assuming that the people are misguided and disaffected, they impute to the lower classes in general, "that their object is to reverse the orders of society, and by force to seize and divide the landed property of the country among themselves:" that the petitioner, considering that he had no immediate legal resources to bring to justice the authors of his son's death, has presumed to lay a simple statement of the facts before the House; and he therefore most earnestly supplicates the House to listen to the facts he has detailed, and take them into immediate consideration, so that he may have the consolation to find that his grievances are heard, and that the House will afford him that redress which he cannot obtain or expect from the legal authorities of the country."

The several petitions were ordered to be printed.

Motion respecting Mr. Owen's Plan.] Sir *W. De Crespigny*, in pursuance of the notice which he had given, rose for the purpose of moving that a select committee be appointed to inquire into the plan of Mr. Owen for ameliorating the condition of the lower classes. He trusted that the same spirit of conciliation which had marked the debate of Tuesday last would be manifested on this occasion. Labouring under severe indisposition, he brought this question forward with increased embarrassment. It had been his hope that some hon. gentleman more conversant with the subject would have introduced it to the consideration of the House, and appeared in the character of an advocate for his distressed and suffering fellow-countrymen. Under these circumstances, the House, he doubted not, would extend to him its kindness and indulgence. He could assure it, that he would endeavour to contract his observations into the narrowest compass. The question was rather one of humanity than of political reasoning; and if he should be so fortunate as to obtain the concurrence of the other side of the House, he should hail the circumstance as the harbinger of better times. The interposition of the legislature was most imperiously demanded. General poverty must produce discontent, and general discontent led often to revolt. It was necessary that the higher classes should condescend to inquire into the miseries of the poor with a view to the effectual alleviation of their distress. He saw no other means of preventing the country from being involved in bloodshed and confusion. The plan which he had to recommend would, in his opinion, prove, if adopted, beneficial for the purposes he had stated. All that was required by its friends and supporters was, that it should be submitted to experiment. Let it not be said, he implored the House, that they were prodigal in furnishing the means of destroying mankind, but were resolute not to listen to any schemes for their preservation. There were some, he knew, who, on the study of half an hour, pronounced that to be visionary which was deemed practicable and useful by a man, who had devoted to the inquiry the labour and consideration of thirty years. He called upon such persons to produce a better plan, before they condemned that which he was about to recommend. It was a most important subject for the attention of the House, to investigate the consequences arising from that mechanism which had within the last few years so extensively superseded human labour. To him it appeared, that mechanism should always be made subservient to human labour. The events of the last 30 years had made a change in the internal policy of the country absolutely necessary—and the question was, whether it should take place, step by step, by reason, or be brought about by prejudices and ignorance, or, perhaps, through the convulsion of revolution. Under the present system, the unemployed poor fed on the labour of the industrious, communicated the bad habits acquired in idleness, to the general mass of the poor, amalgamated with them, and taught them their vices. The only remedy for this evil was, the prevention of the mischief at the root. One part of Mr. Owen's plan, to which he wished particularly to direct the attention of the House, was the system of education which it embraced; for education, it could not be denied, was the

foundation of all virtue and order in society. He had seen the effects of it in New Lanark, and should never forget to his dying day the impression which it made on his mind. The children were there instructed in those principles which were calculated to make them useful and excellent members of society. That which most struck his mind, and which could scarcely be credited by those who had not witnessed it, was, that the education of infants was begun in this establishment at the early age of two years. He had seen at New Lanark upwards of 100 children, on a large plot of ground, engaged in various kinds of amusements, each contributing its share to the comfort and advantage of the whole; there was among them no mark of malevolence or quarrel; they were vying in acts of kindness to one another. He saw them afterwards at school, some engaged in their letters, and others at more advanced stages of improvement. From thence they were instructed in the reading of the Bible, and taught the duties which they owed to God, to their parents, and to themselves. When the hours of amusement and those of instruction were ended, he had seen them going to their little labours with an alacrity which was really astonishing. He trusted the House would allow him to read a few of the letters which he had received on this subject. The hon. bart. then read the following letter, which he said he had received by the post of the preceding day:—" Sir William; Having deliberately considered Mr. Owen's plan, I am of opinion, that there is not any proposition yet made for the improvement of the morals and general condition of the country, worthy of a comparison with it; and I am induced thus to intrude my sentiments on you, to propose a measure which may be likely, not only to secure its trial, but its general adoption. It may perhaps be your intention to show the benefits of such a plan, and to move for a parliamentary grant, for the purpose of trying the experiment. However favourable the general opinion may be, yet in the present feeble state of the revenue, I am fearful there may be a difficulty in obtaining the grant; and should that not be the case, yet only one establishment would, by way of trial, be produced. I, however, consider it unnecessary that the country should wait whilst another experiment be tried. In addition to the plain reason of the thing, the experiment has been tried with the greatest success at New Lanark. I should therefore at once propose a bill, which should have the effect of rendering any application for a public grant unnecessary, and giving more facility to an immediate application of the plan on a general scale, as follows:—

" A bill to enable parishes, at a general (not a select) meeting, to make a permanent rate on the property, and to take up money on the security of such rate, for the purpose of raising an establishment on Mr. Owen's plan. To enable two, three, or four small parishes to unite for that purpose, each parish to have an interest in, and to derive a benefit from the establishment, in proportion to its amount of rate or contribution. The rates so mortgaged to be applied quarterly in the discharge of the interest, and the reduction of the principal money so borrowed, until the same be discharged. To enable lords of manors, and the parishioners, to sell and convey waste and commonable lands for such purpose, with such other clauses as the wisdom of parliament may devise. I see by a little pamphlet which lately fell in my way, and which I enclose, that 96,000*l.* are sufficient to found an establishment for 1,200 persons; and I lately saw in the public prints, that Mr. Owen considered an establishment for 1,000 more advantageous than for a greater or less number, and that would require 80,000*l.*, the interest of which would be 4,000*l.* for the first year, and as much less every succeeding year, as the principal sum should be reduced. As there is plenty of unemployed capital in the kingdom, I think the money would easily be obtained, and it would be much more creditable to capitalists (and more beneficial to the country) to lend their money on such security, than to place it in the funds of other nations. In the neighbourhood of Mr. Ricardo, there is plenty of commonable land, and the poor are very numerous; the measure would therefore be peculiarly beneficial in that district, and, although no alarmist, yet I am of opinion that the safety of property in a great measure depends more on an immediate attention to the plan of Mr. Owen, than on any coercive measures. I remain with the greatest respect, &c.

" *Cirencester, Dec.* 14. Jos. MOUNTAIN."

The letter also contained some calculations as to the time when the sum borrowed might be repaid, and the manner of repaying it, with which he did not

feel it necessary to trouble the House. The next letter he would read, was from the bishop of Chester. His lordship "approved of a plan which would give to the poor an interest in the better cultivation of the land, and stated that he had tried the experiment by letting out from 70 to 80 acres to poor peasants, at about half an acre to each. The result was, that the lands so given were well cultivated, even with that time which the peasant could bestow after his usual daily labour. One of the great advantages of this plan was, the creation of a feeling of independence among the peasantry—a feeling which could not be too much cultivated, as it rendered them averse to any application to the poor laws; and in the instance alluded to, relief from the poor-rates was not sought by any of the peasants so engaged." If the House, in the present situation of the country, turned its back upon any plan which had for its immediate object the relief of the lower classes of the people, they would excite a general spirit of disaffection and discontent. He trusted, therefore, the noble lord would not show himself averse from this inquiry; there could be no mischief in it, for if, upon examination, the plan was found to be inefficient, it might be abandoned. It might not be acceptable as a whole, but it should be recollected, that there was no flower of the forest from which the industry of the bee did not extract some honey. He might, if he did not fear to occupy too much of the time of the House, go on reading to eternity the letters which he had received from various parts of the country in favour of this plan. He, however, should only trouble the House with the reading of one more. He then read another letter in favour of the plan, which described the great advantages that might result from it, by the practice which it would encourage, of spade cultivation. A gentleman in the neighbourhood of Newcastle had proved that by this mode of cultivation, the produce of land had been raised to 7 or 8 quarters per acre. Before he submitted his motion, he begged to make one observation further. At the period when Adam Smith wrote his treatise on the Wealth of Nations, the great object was to increase the wealth of the country. This object had been since achieved by the increase of machinery, so as almost to increase the production of some articles much beyond consumption. Now, Mr. Owen's plan, to remedy this—to render the production of the necessaries of life fully adequate to the increase of population—would effect a reorganization, and a remoralizing of the lower classes, which there was no man of virtue who would not, he was persuaded, be most glad to see. He concluded by moving, "That a select committee be appointed to inquire into the nature of the plan proposed by Robert Owen, esq., and to report thereon: and how far the same, or any part thereof, may be rendered available for ameliorating the condition of the labouring classes of the community, or for affording beneficial employment of the poor, by an improved application of the sums raised for their relief."

Lord *Archibald Hamilton* seconded the motion. He was so well acquainted with the practical effect of Mr. Owen's plan, and with the great distress which existed in that part of the country near which his establishment was situated, and particularly he so well knew the anxiety which existed among the great body of those who were so distressed to have the plan inquired into, that he conceived the House ought to take the matter into consideration. At the same time that he asserted this, he did not mean to give his support to those numerous theories which had been founded upon Mr. Owen's plan. He saw, however, that a great part of it had produced an excellent effect, and he conceived that one ground why it was entitled to an examination. He did not look upon the present motion as one which went to embrace the whole of Mr. Owen's plan (which he feared, if taken up in a national or general view, would be attended with too great an expense), but to extract and separate the useful parts of it from those numerous and extensive projects with which it was combined. He would support the motion, in consequence of the good effects which he understood to have resulted from some of Mr. Owen's exertions, and from the feeling which he was aware existed among the poorer classes, that a trial of it might be made with advantage to them. One thing had resulted from the operation of this plan at New Lanark—that it had united large bodies of human beings in the strongest bonds of kindness and affection towards each other; in such a manner indeed as he believed was never seen or known before. This was a strong reason with him in support of the inquiry, and he thought that

inquiry alone was sought by the motion. He would strongly recommend the reference of the subject to a committee, to which it should be understood that every thing eligible should be submitted, and that the House should not be troubled with any details of improvement, except such as should appear in the report the committee might finally agree upon.

Mr. *Brougham* said, that he was anxious to state the grounds upon which he was disposed to vote for the present motion, without being understood in any degree to support the general principles with which it was connected. In the first place he thought, that in the present distressed state of the country, that plan which proposed to alleviate such distress should be very wild and exceptionable, indeed, against which the House should peremptorily shut its ears. It was no doubt among the misfortunes belonging to the distress of the people, that they were too ready to attend to any visionary scheme that promised them relief; that they were disposed, as it might be said, to catch at straws, in the hope of saving themselves from sinking. This was, however, too generally the consequence of popular calamity. But parliament should be guarded, not to give the sanction of its high authority to any visionary project, because that sanction might do considerable mischief, especially in this way, that if such an impracticable plan were recommended by the House, that recommendation would weaken its power of carrying into effect any plan of less extent, but more practicability, as the people would naturally be disposed to say — "What comparison do the advantages of this plan bear to the prospects held out by the project of Mr. Owen?" This was, therefore, with him one reason why the House should look with extreme caution to any of those measures which were proposed in the present shape. At the same time he did not wish that the House should reject all inquiry on the subject before them. He was desirous not to be understood as meaning to agree to Mr. Owen's plan. He conceived the theory on which it was founded to be wholly erroneous. It was founded upon a principle which he denied—that of the increase of population being a benefit to the country. On the contrary, he had no hesitation in stating, that the excess of population was one of the great causes of the distress which at present afflicted the country. Yet this proposition, which, from the best consideration which he had been able to give to the subject, he was fully prepared to maintain was quite discarded by the theory of Mr. Owen. But it was amongst the most melancholy malpractices of the low part of the press, to depreciate this, which was the soundest principle of political economy. Nay, the worst expedients were used to calumniate the writers by whom that principle was mainly supported, although among those writers were to be found men of the most exalted morals, of the purest views, of the soundest intellect, and even of the most humane feelings. An endeavour was made to raise an outcry against those writers, principally upon the ground, forsooth, that they proposed to interfere with the main comfort of human life, by deprecating early marriages. But was it not incumbent upon any man who had enlightened views of philanthropy, or even a sense of common justice, to dissuade people from imprudent marriages — from forming connexions which they had not the means of subsisting? Could any thing serve more to aggravate the distress or mortify the feeling of man than the collection of a family for which he was incompetent to provide? Yet against the writers who sought to guard society against this great evil, the utmost obloquy was directed. Nay, an attempt was made to excite a clamour against the men who had the wisdom to devise, and the manliness to support, that which was agreeable to the soundest principle of political economy. The present was not, however, the time in which he thought it advisable to propose the adoption, or to enter into the discussion of that to which he had devoted a great deal of his time and attention, and which he deemed the true radical remedy upon the subject of population; for if a plan to remedy this evil were now brought forward, there was reason to apprehend, from the disturbed state of the public mind, that an outcry might be raised against it which would be but too likely to interfere with the usefulness, and prove detrimental to the interest of the plan itself. The proposition of such a plan must therefore be deferred to some calm period which would be more suitable for deliberate and candid consideration. But to return to Mr. Owen's plan—although he differed from the theory upon which that plan was founded, especially upon the subject of population, and thought it

would increase the evil of which it was the ostensible remedy, he still agreed with the hon. baronet who brought forward the motion, and the noble lord by whom it was seconded, that there were certain parts of that plan peculiarly entitled to the consideration of the House. He meant especially upon the subject of education. The system proposed and acted upon by Mr. Owen in training infant children, before they were susceptible of what was generally called education, was deserving of the utmost attention. This indeed was the sound part of Mr. Owen's plan, and agreeable to the wisest principles. By all means then, he would say, let the House appoint a committee to inquire into the means by which those parts of Mr. Owen's plan, against which no objections could be made, might best be put in general practice. That which was wild or visionary might be slighted; but the useful and the practicable ought not to be discarded. But with respect to education he must say, that the assistance of government or parliament was not so essential to its advancement: as the interests of that subject might be very safely trusted to the public spirit and private benevolence of the country. This, indeed, he found to be the case from his own observation, with regard to the education of children taken from their parents, who were thus enabled to pursue their own industry. But he had had some experience upon this subject, where education alone was given to children without any food or clothing, and where children were taught moral, attentive and cleanly habits at that period of life when curiosity, the great spring and element of all education, was most active and ardent—when in consequence, that which at another period of life would have been felt as a burthen, was enjoyed as a pleasure. Thus the children were educated while the parents, or at least the mother, who would have been otherwise obliged to stay at home and take care of them, was released and left at liberty to work. This system then was useful, not only to the children but to the parents, where they were disposed to industry. But the training up of infant children was in every view a point of great importance. He had given this subject a considerable degree of attention, and the experience of several years strengthened him in the opinion which he had been led to form on it. He had seen in Switzerland an establishment, the plan of Mr. Fellenberg for infant education, carried on with excellent effects. That gentleman's plan was, however, better suited to an agricultural district, where the population were scattered, than to a manufacturing town, where the population was crowded together. For Mr. Fellenberg took the children to his school both night and day, thus separating them from their parents. Mr. Owen proceeded upon the same principle as to education, but then he did not separate the children from their parents, unless for the day, and therefore his plan was more applicable to manufacturing or populous districts than that of Mr. Fellenberg in Switzerland. The plan of Mr. Owen was, indeed, so much better, as it was calculated to improve the domestic habits of the people; the child being allowed, by remaining with its father and mother, to acquire those social and domestic habits which were of so much value in life, which begat those strong ties of affection, some of the best and most secure bonds of mutual assistance. With the example of what Mr. Owen had effected on the subject of the education of children, it would, he conceived, be impossible to refuse an inquiry into the practicability of extending it. If it were not vouched by such undeniable proofs, it could scarcely be believed that so much good had been done by the plan as was known to be produced at New Lanark. The example set there was, he conceived, much better than that produced in Switzerland. This system tended also, by a sort of reflex operation, to improve the habits of the parents themselves; for in the presence of children so trained they would be ashamed of intoxication or swearing, or any habits that might pollute the minds, or offend the feelings of those who were the objects of their attachment. This consideration, then, combined with the improved impressions of the children, was likely to produce the most salutary effect upon the morality and general conduct of parents, by checking the expression or exhibition of any impropriety, and hence he preferred the plan of Mr. Owen to that which he had witnessed in Switzerland. With a view to make an experiment of this plan, the hon. member for Bramber, the hon. member for Nottingham, had, with himself and a few other friends, made up a stock purse. He had proceeded in this experiment with the more alacrity, as he had the highest respect and esteem for Mr. Owen, whom

he really believed one of the most humane, simple-minded, amiable men on earth. He was indeed a rare character; for although a projector, Mr. Owen was one of the most calm and candid men he had ever conversed with. You might discuss his theories in any terms you pleased—you might dispose of his arguments just as you thought proper; and he listened with the utmost mildness. His nature perfectly free from any gall, he had none of the feverish or irritable feeling which too generally belonged to projectors. But to revert to the committee association, of which he had the honour to be a member, he had to express their acknowledgments for the assistance which they had received from the right hon. gentleman the chancellor of the exchequer, who was always found ready to promote that which was most useful, namely, any plan of practical philanthropy. Through this association a school had been established in Westminster, according to Mr. Owen's plan; and if the experiment of that school were found practically useful, as there was every reason to expect, it was fairly to be calculated that the same experiment would be made elsewhere. The establishment in Westminster was a day-school, for which Mr. Owen had furnished the committee with an excellent superintendent, and it was going on in the most satisfactory manner, so satisfactorily indeed, that although originating in the charity of individuals, it was soon likely to be supported by the interest of those who were immediately benefitted by its existence. This was a most gratifying consideration. For although charity might begin, interest alone could continue or perpetuate institutions of this nature. If any person doubted the practical success of this plan, let him go into the school at Brewer's-green, in Westminster, and he would see both the nature of the plan and the benefits that attended it. There was indeed reason to expect that the schools established upon this system would soon and very generally enter into competition with those dame schools which had heretofore proved so very useful, and to which (while children of nine or ten years old were too often allowed to walk about almost as ignorant as beasts) infants were sent, to keep them out of harm's way, while their mothers went to work.—Of this indeed there could hardly be a doubt, as the schools to which he alluded would be conducted upon a better plan, and therefore parents would naturally rather pay quarter-pence to the one than to the other. Satisfied as he was that the success of this plan was likely to be promoted by inquiry, he was an advocate for the appointment of a committee of that House, by which that inquiry might be fully gone into, and effectually concluded. With respect to the spade husbandry which was recommended in Mr. Owen's plan, he must confess himself incapable of forming any judgment upon that part of the plan, as he was wholly unacquainted with the subject; and this was another reason with him for supporting the proposition of inquiry. But he was an advocate for inquiry, with a view to separate the wild and impracticable part of this plan from that which was sound, useful, and practicable; and he trusted that the House would not reject the latter along with the former.

The *Chancellor of the Exchequer* said, there was nothing more usual, out of the House, than to see gentlemen of opposite political opinions uniting cordially and substantially in efforts for the benefit of the poor; and he was convinced that no spectacle could be more consoling than the display of the same spirit in parliament. It showed that that House did not act on party grounds when the welfare of the people was the subject of discussion; it showed that when they could see their way clearly, they would all agree in measures for alleviating the public distress. It would have given him great pleasure to concur in the present motion, if he had not thought that the House by going into the inquiry would give the sanction of parliament to a plan not only visionary and impracticable, but in the highest degree dangerous to the country. While he opposed the plan, however, he wished to do every justice to the character of Mr. Owen, whose humane and benevolent intentions could not be too highly praised. Though he was not particularly acquainted with the nature of the establishment at Lanark, he believed all that had been said of it. Indeed, some years ago he had visited Lanark, and though the establishment had not then attained its present state of excellence, the impression on his mind at that time was, that it was productive of great benefit, and reflected the highest credit on Mr. Owen. He had then thought the general system superior to any other that he had ever seen; and from what he had heard, he believed it to have been improved since that time. But, notwith-

standing all this, he could not agree to the adoption of Mr. Owen's general system; and he should state to the House the grounds of his objections. In the year 1817, two public meetings were called at the city of London Tavern at Mr. Owen's request, at which he delivered a full explanation of the plan he had in view for the amelioration of society, and which explanation had since been given to the public. If he was incorrect in what he was about to state, he would thank a worthy alderman opposite, who was at the meeting, to correct him. At one of those meetings held on the 21st of August, 1817, Mr. Owen made a speech, from which he would now read the following extracts:—

"Why should so many countless millions of our fellow-creatures through each successive generation, have been the victims of ignorance, of superstition, of mental degradation, and of wretchedness? —My friends, a more important question has not yet been put to the sons of men. Who can answer it? Who dare answer it, but with his life in his hand; a ready and a willing victim to truth, and to the emancipation of the world, from its long bondage of disunion, error, crime, and misery? Behold that victim! On this day, in this hour, even now, shall those bonds be burst asunder, never more to unite while the world shall last. What the consequences of this daring deed shall be to myself, I am as indifferent about as whether it shall rain or be fair to-morrow. Whatever may be the consequences, I will now perform my duty to you, and to the world; and should it be the last act of my life, I shall be well content, and know that I have lived for an important purpose. Then, my friends, I tell you, that hitherto you have been prevented from even knowing what happiness really is, solely in consequence of the errors, gross errors that have been combined with the fundamental notions of every religion that has hitherto been taught to men. And, in consequence, they have made man the most inconsistent, and the most miserable being in existence. By the errors of these systems, he has been a weak and imbecile animal, or a furious bigot and fanatic; and should these qualities be carried, not only into the projected villages, but into Paradise itself, a Paradise would no longer be found.—In all the religions which have been hitherto forced on the minds of men; deep, dangerous, and lamentable principles of disunion, division, and separation, have been fast entwined with all their fundamental notions; and the certain consequences have been, all the dire effects which religious animosities have, through all the past periods of the world, inflicted with such unrelenting stern severity, or mad and furious zeal!—If, therefore, my friends, you should carry with you into these proposed villages of intended unity and unlimited mutual co-operation, one single particle of religious intolerance, or sectarian feelings of division and separation —maniacs only would go there to look for harmony and happiness; or elsewhere, as long as such insane errors shall be found to exist!—I am not going to ask impossibilities from you—I know what you can do, and I know also what you cannot do. Consider again on what grounds each man in existence has a full right to the enjoyment of the most unlimited liberty of conscience; I am not of your religion, nor of any religion yet taught in the world!—to me they all appear united with much—yes, with very much—error!—Am I to blame for thinking thus? those who possess any real knowledge of human nature know that I cannot think otherwise—that it is not in my power, of myself, to change the thoughts and ideas which appear to me true. Ignorance, bigotry, and superstition may again, as they have so often done before, attempt to force belief against conviction—and thus carry the correct-minded, conscientious victim to the stake; or make a human being wretchedly insincere.—Therefore, unless the world is now prepared to dismiss all its erroneous religious notions, and to feel the justice and necessity, of publicly acknowledging the most unlimited religious freedom, it will be futile to erect villages of union and mutual co-operation; for it will be vain to look on this earth for inhabitants to occupy them, who can understand how to live in the bond of peace and unity; or who can love their neighbour as themselves; whether he be Jew or Gentile, Mahommedan or Pagan, Infidel or Christian; any religion that creates one particle of feeling short of this, is false, and must prove a curse to the whole human race!—And now my friends—for such I will consider you to the last moment of my existence, although each of you were now armed for my immediate destruction—such, my friends, and no other, is the change that must take place in your hearts and minds, and all your conduct, before you can enter these

abodes of peace and harmony, you must be attired in proper garments before you can partake of all the comforts and blessings with which they will abound.—Such are my thoughts and conclusions, and I know you will hereafter ponder them well in your minds, and truth will prevail! When you shall be thus prepared, if life be spared to me, I will be ready to accompany you, and to assist with all my power in every particular step that may be necessary to secure your immediate happiness and future well-being.—Now, my friends, I am content that you call me an infidel; that you esteem me the most worthless and wicked of all the human beings who have yet been born! Still, however, even this will not make what I say one jot less true, or more false. No name can make falsehood truth; how can any name whatever make truth more true? Of what use, then, can names be, except to give a false validity to gross error? The interest of those who govern has ever appeared to be, and under the present systems ever will appear to be, opposed, to the interest of those whom they govern. Law and taxation, as these are now necessarily administered, are evils of the greatest magnitude; they are a curse to every part of society; but while man remains individualised, they must continue, and both must unavoidably still increase in magnitude of evil."

In reading these extracts from the speech of Mr. Owen, he did not wish to call down the spirit of persecution against him. He admired Mr. Owen's treatment of the persons under his care; and as to his religious opinions, he only regretted the aberrations of his mind. But it was evident, that he looked to the adoption of a plan subversive of the religion and government of the country; and however philanthropic his views might be, that House could not adopt the plan proposed by the hon. baronet, without countenancing those dangerous theories. But it appeared that Mr. Owen's plan was discountenanced by the unbiassed judgment of the public; for at the first meeting which he addressed at the City of London Tavern, his propositions were rejected. After Mr. Owen had spoken, several other gentlemen took part in the discussion. A worthy alderman proposed an amendment to one of the resolutions, and the purport of that amendment was, that no effectual relief could be given to the people without a fair representation in parliament. This amendment was adopted, so that it appeared, whenever a plan was proposed for ameliorating society, the grand panacea, parliamentary reform, was sure to be brought forward. He should regret, if the rejection of this motion led to the rejection of what was good in the plan; but he thought the hon. and learned gentleman who had preceded him in the debate, had cleared the way so well, as to show that this would not be a necessary consequence. It was, no doubt, true, that at a second public meeting a committee was appointed, for the purpose of considering Mr. Owen's plan, and a subscription had been opened for its advancement, to which the worthy baronet had liberally contributed. It appeared, however, that in this country of unbounded liberality—that in a city of unbounded wealth, the subscription completely failed. Only a small sum had been subscribed; and it was surely a strong *prima facie* case against the plan, that after it had been so long submitted to the public, it had received so little encouragement. He concluded by declaring, that as an official individual, he could not agree to a grant of the public money for the establishment of a plan that had been introduced to the public by a speech, in which all religions were pronounced false, and all systems of government bad.

Mr. *John Smith* eulogised the character of Mr. Owen, who had long exerted himself to alleviate the distresses of his fellow creatures. It appeared that the right hon. gentleman (the chancellor of the exchequer) was not disposed to give assistance to the plan, because it was proposed by a person who differed from himself on the subjects of religion and politics. In that respect he dissented from the views of the right hon. gentleman. No man could more lament than he did, the course which Mr. Owen had pursued; and indeed, he had told him, that if he introduced those obnoxious sentiments, he would prevent people from supporting his plan. Still he could not agree with those who thought this a sufficient ground for rejecting it. It was indeed a part of Mr. Owen's system to teach men to make allowance for such differences of opinion. He had never in the course of his life known a person so thoroughly exempt from prejudice or self-interest as Mr. Owen. The right hon. gentleman would allow him to remind him of an extraordinary circumstance attending the establishment at Lanark, and which particu-

larly demanded his notice. Such was the nature of that establishment, managed as it was by a man of Mr. Owen's unfortunate religious belief, that during the last 14 years there was not one solitary instance of a man connected with it being convicted of a crime. Could the same be said of any other establishment in this country? Surely that system which produced such effects was at least worthy of consideration. He should perhaps have been silent on this occasion, had it not been for what had fallen from the learned gentleman (Mr. Brougham) in his excellent speech. On the subject of education he would speak out, and he denied that Mr. Owen's views on this point were visionary, for he knew them to be correct from the practical results which he had himself witnessed. Mr. Owen's plan embraced the education of children from the age of three years and upwards. He had seen the plan reduced to practice at Lanark, and Mr. Owen had there, by his system of instruction, taught those little creatures to do away all the contentious passions so common at that age. No man could see one of those little boys of nine years of age, without wishing that his own children had been similarly educated; that, he would freely confess, had been his own feeling. As to many parts of the plan of Mr. Owen, he did not pretend to understand them, and he could not give an opinion on what he did not understand. If a committee were granted to inquire into the subject, although he did not think they should go into the whole question of the poor-laws, still they might consider the present state of distress in which the population of the country was involved. He would take the liberty of asking the right hon. gentleman and his colleagues, whether they were prepared to come forward with any plan for the relief of the poor? If they were not, with what face could they refuse this committee? He did therefore hope, that if the right hon. gentleman persisted in his opposition to the appointment of this committee, he would, for the satisfaction of those who were anxious on this subject, state what he intended to do.

The *Chancellor of the Exchequer* explained. He did not object to Mr. Owen's plan, because Mr. Owen himself rejected the authority of all religions and all governments, but because Mr. Owen had stated the plan to be founded on those principles. As to the relief of the poor, it was only necessary for him to say at present, that there was a motion on that subject already before the House, and when it came to be discussed, he should take that opportunity of stating his opinions.

Mr. *Ricardo* observed, that he was completely at war with the system of Mr. Owen, which was built upon a theory inconsistent with the principles of political economy, and in his opinion was calculated to produce infinite mischief to the community. Something had fallen from an hon. member on a former night, on the subject of the employment of machinery. It could not be denied, on the whole view of the subject, that machinery did not lessen the demand for labour; while, on the other hand, it did not consume the produce of the soil, nor employ any of our manufactures. It might also be misapplied by occasioning the production of too much cotton, or too much cloth; but the moment those articles ceased in consequence to pay the manufacturer, he would devote his time and capital to some other purpose. Mr. Owen's plan proceeded upon this—he who was such an enemy to machinery, only proposed machinery of a different kind: he would bring into operation a most active portion of machinery, namely, human arms. He would dispense with ploughs and horses in the increase of the productions of the country, although the expense as to them must be much less when compared with the support of men. He confessed he did not agree in the general principles of the plan under consideration, but he was disposed to accede to the proposition of a committee. Spade husbandry Mr. Owen recommended as more beneficial to production. He was not informed enough on the interests of agriculture to give an opinion, but that was a reason for sending the subject to a committee. For what did the country want at the present moment? A demand for labour. If the facts stated of spade husbandry were true, it was a beneficial course, as affording that demand. And though government or the legislature would not be wisely employed in engaging in any commercial experiment, it would be advantageous that it should, under present circumstances, circulate useful information and correct prejudices. They should separate such considerations from a division of the country into parallelograms, or the establishment of a community of goods, and similar vi-

sionary schemes. Before he sat down, he trusted the House would excuse his offering a few observations on what he considered the cause of the distresses of the country. He fully concurred in what had fallen from his hon. and learned friend on the subject of population. The proportion of the capital to population regulated the amount of wages, and, to augment them, it was important to increase the capital of the country. But when he heard honourable members talk of employing capital in the formation of roads and canals, they appeared to overlook the fact, that the capital thus employed must be withdrawn from some other quarter. The causes of the insufficiency of capital, and the consequent disproportion between wages and population, were to be attributed to many circumstances, for some of which government were not to blame. Supposing a country with a numerous population, large capital, and a limited soil, the profits of that capital will be smaller there, than in a country populous, with lesser portion of capital, and with a great extent of soil. This country was one of large capital, but of increasing population and of an extent of soil necessarily limited; of course profits would be lower in it than in countries which had not the same limitation: still, though the profits were smaller, the capital continued in this kingdom, not only because persons felt a solicitude to keep their property under their own eye, but because the same confidence was not reposed in the security of others: the moment, however, other kingdoms, by their laws and institutions, inspired greater confidence, the capitalist would be induced to remove his property from Great Britain to a situation where his profits would be more considerable: this arose from no fault in the government; but the effect of it was to produce a deficiency of employment and consequent distress. Then came the question, had we taken the proper steps to prevent the profits upon capital from being lower here than in other countries? On the contrary had we not done every thing to augment and aggravate the evil? Had we not added to the natural artificial causes for the abduction of capital? We had passed corn laws, that made the price of that necessary of life, grain, higher than in other and neighbouring countries, and thus interfered with the article which was considered the chief regulator of wages. Where grain was dear, wages must be high, and the effect of high wages was necessarily to make the profits on capital low. A second cause arose out of the fetters upon trade, the prohibitions against the import of foreign commodities, when, in fact, better and cheaper than our own. This was done in a spirit of retaliation; but he contended, that whatever line of policy other nations pursued, the interest of this nation was different: wherever we could obtain the articles we wanted at the cheapest rate, there we ought to go for them; and wherever they were cheapest, the manufacture would be the most extensive, and the amount of it, and invitation to capital, the greatest. Another cause of the existing disposition to send capital out of the country was to be found in the national debt. Instead of paying our expences from year to year, Great Britain had constantly pursued a system of borrowing, and taxes were accumulated not only to pay the simple interest, but sometimes even the compound interest of the debt; and the amount was now so enormous, that it became a matter of calculation, whether it was worth a capitalist's while to continue in a country where he not only obtained small profits, but where he was subjected to a great additional burthen. Every pecuniary motive impelled him rather to quit than to remain. For a great many of the various causes of the evil, some of the principal of which he had touched upon, there might not exist any immediate remedy. We had, however, a beneficial precedent in the proceedings of the last session. He alluded to the measures taken for a return to payments in specie; and he saw no inconvenience in keeping stedfastly to that system. Parliament had wisely extended the operations of that system over a number of years. They should follow the same course as to the corn laws. After the quantity of capital employed under the faith of legislative enactments in agriculture, it would be a great injustice to proceed to an immediate repeal of those laws. But that House should look to the ultimate good, and give notice, that after a certain number of years, such an injurious system of legislation must terminate. The same observation applied to our prohibitory commercial code. From the variety of interests now in operation under that system, it would not only be necessary to look, but to look stedfastly, to a distant but certain period for its repeal. With respect to the national debt, he felt

that he entertained opinions on that point which by many would be considered extravagant. He was one of those who thought that it could be paid off, and that the country was at this moment perfectly competent to pay it off. He did not mean that it should be redeemed at par; the public creditor possessed no such claim—were he paid at the market price, the public faith would be fulfilled. If every man would pay his part of the debt, it could be effected by the sacrifice of so much capital—With respect to the objection, that the effect of that sacrifice would be to bring so much land into the market, that purchasers could not be found for such a glut, the answer was, that the stockholder would be eager to employ his money, as he received it, either in the purchase of land, or in loans to the farmer or landowner, by which the latter might be enabled to become the purchaser, particularly when the government was no longer in the market as a borrower. He was persuaded that the difficulty of paying off the national debt was not so great as was generally imagined; and he was also convinced that the country had not yet nearly reached the limits of its prosperity and greatness. It was only by a comparative reference to the state of other countries that the opposite opinion could be entertained, and such opinion would gain ground as long as so many unnatural temptations, by our policy at home, were held out to withdraw capital from the country. He repeated his conviction that Mr. Owen's plan was in many parts visionary, but yet he would not oppose the appointment of a committee, if it were only for the purpose of seeing whether it was probable that the advantages which that gentleman expected from the use of spade husbandry could be realized.

Mr. *N. Calvert* opposed the motion. He saw no benefit that could arise from the appointment of a committee. Spade husbandry, whatever good effects it might otherwise be attended with in some places, would not afford permanent relief! because it would not afford permanent employment.

Mr. Alderman *Waithman* disapproved of the plan as a general one. It was however much more objectionable when first brought forward than at present. With all the prejudices that were entertained against it, he saw no reason why it should not be sent to a committee, if it were only for the purpose of satisfying the public, and showing the impracticability of it. Mr. Owen having succeeded in one instance upon a small scale, was convinced that he would be successful upon a larger one. This he (Mr. Waithman) was convinced was a visionary expectation. He would not follow his hon. friend who had spoken last but one through the various topics upon which he touched with so much ability. His hon. friend had gone over a large extent of matter worthy of most serious inquiry. The distress of the country might be traced to various causes; but the great one was the excessive and exorbitant taxation. The consequence was, that the profits of every species of produce were greatly reduced, and vast numbers, whose income was not sufficient to support them in this country, went to reside on the continent; so that what they received from the taxes here, as the interest of their capital, was sent abroad.

Lord *Althorp* was sorry to differ in some respects from his hon. friend the hon. member for Portarlington. He agreed with him however, in the leading principles he laid down with respect to the causes of the present distress, and the mode of applying a remedy. He was not of the same opinion with his hon. friend on the subject of the corn laws. In principle they were wrong; and he opposed them when the subject was before the House. Still, he felt that in a period of war they would be of advantage in procuring an independent supply of that most necessary article. It was also a great object to secure the employment of capital in agriculture. It might indeed be said that it was bad economy to grow corn at home when it could be had cheaper from other countries. The answer to this was, that they could not secure a supply at home in time of war unless by imposing some tax on corn of foreign growth. He agreed with what was said respecting their commercial system, and was surprised that no means had been adopted for opening a more extensive market with foreign countries, particularly France. He did not allude to a commercial treaty; that, in his mind, was not desirable; but by admitting the wines and silks of France, the produce of this country would be taken in return, and produce mutual advantage. He did not think it would be prudent to agree to the present motion. All were agreed that the plan proposed was absurd; where, then, was the necessity for appointing a committee to prove its absurdity? If they were to engage in inquiry upon such grounds there

would be no end to committees. With respect to spade husbandry, if advantageous it would soon be adopted. The public were sufficiently awake to their own interest, and it was better to let individuals pursue it in their own way. An experiment, if necessary, might be made by the board of agriculture, whose funds were adequate to the purpose.

Mr. *Calcraft* said, that the wording of the motion, supposing it were otherwise unobjectionable, would induce him to vote against it, as it in fact recognized Mr. Owen's plan. It was impossible that he could give his support to any plan, which in its results could only, he thought, tend to delusion and disappointment. He did not intend to delay the House by entering at all into questions of employment of capital, or amount of revenue, to which indeed, he felt quite incompetent. Unquestionably a great deal was expected of them by the country; of that hon. gentlemen must be aware; and while he must admit that there was much which they could not do, he was not the less disposed to assist most warmly in the developement of any measure which might have a tendency effectually to relieve the suffering poor.—But he really thought that, if the hon. baronet had the interest of Mr. Owen warmly at heart, he would not make an unfavourable impression on the public mind with respect to it, by pressing his motion to the division, which must, if he persisted, shortly take place.

Sir *Charles Burrell* opposed the motion. He was desirous to offer a few observations on the state of husbandry, in reply to some remarks which had been made upon the subject. In many cases, spade husbandry had been already tried, particularly in the hop counties, and most especially in Kent. This, therefore, was no new system. With regard to the printed papers which had been widely circulated —drawn up with the intention of displaying the large benefits likely to arise from, and the property to be rapidly accumulated by, the practice of spade husbandry, they were founded in mere delusion. It was quite impossible, he would venture to say, that any such quantity of corn could have been grown upon the same extent of land, as was said to have been raised by the superiority of spade husbandry. In particular instances, no doubt, much good might be effected by these means; but their general practice would be, in fact, the bringing back of agriculture, generally, to a state of nature. There were, besides, many parts of the country where lands could not be so tilled. It had been said that this sort of husbandry would increase the food of the whole people. He denied that assertion; but suppose it did, what good would be done? What sale could there be for it, while no encouragement was given to the home growth of the British farmer—while foreign corn was allowed to be imported at a price which must defeat the British grower?—As to the corn laws, he thought it would be well to revise them in such a manner as to make corn yield a revenue to the British grower; and by doing so, he had no doubt, the state of the country would be materially improved.

Mr. *Wilberforce* could not give his consent to this plan. His right hon. friend opposite, had already stated, as part of his objection to Mr. Owen's plan, the nature of his religious principles. This observation did not appear to be correctly understood by his hon. friend on the bench behind him. It applied, as he apprehended, not to the principles of any particular sect of any religion, but to those avowed by Mr. Owen himself; and if Mr. Owen, as he understood, objected to all the systems of religion at present established —if his whole plan proceeded upon a system of morals founded upon no religion whatever, but rather upon considerations of moral rectitude of conduct only, he was of opinion that it behoved the House to be cautious how it gave its sanction to an institution, which did not acknowledge as one of its essential features, that doctrine, on whose truth and piety it was not for him now to enlarge. In the year 1817, he had read a paper connected with this subject, which he presumed all who heard him had also seen. Till that paper came under his observation, he had really felt disposed to vote for the plan. That paper had, however, altered his opinion. It seemed an object of Mr. Owen, to establish a number of little communities, with each a certain allotment of ground throughout the country. This, it was contended, would increase the quantity of sustenance. The conclusion implied that man would labour more diligently for the advantages to be distributed throughout a little community, than for his own individual profit. It was a position at variance with daily practice and constant experience. Societies which were to enjoy a sort of community of goods. He (Mr. Wilberforce) had not had

the benefit of attending personally at the Lanark institution, but he had seen those who had; and he thought he understood the nature of it, from the very admirable speech in which it had that night been described. He was ready to admit that all those who visited it expressed themselves favourably of the system that prevailed there. It, had been brought to its present state however, not by any particular rules of Mr. Owen's (though the exclusion of public houses and other circumstances must have greatly assisted) but by the good old system of christianity. He trusted, however, while he could not support the present motion, that the House would not break up without at least expressing its inclination to devise some measure which might alleviate, if it failed to remove, the grievances of the lower classes. With respect to what had been said by the hon. gentleman about the misapplication of the public revenue, it was with the profoundest respect that he differed from a gentleman who had so greatly distinguished himself upon questions of political economy which had exercised the pens of some of the ablest writers this kingdom ever could boast of, and who, in that science, if he had not advanced any great new principles, had yet applied existing ones in such a manner as to claim for him the warmest esteem and admiration from his contemporaries. But, for himself, he must deny that we were in "an unnatural state." The idea of the application of capital to the prosecution of public works had been very generally entertained; but as to the capital, which some persons seemed to imagine as identified with land, it was well known that from various circumstances the value of land was too fluctuating and uncertain, to be considered as a species of fixed capital. Without instancing any particular cases, he would say generally, that when he saw great wealth on the one hand, and great distress on the other, he could not but be solicitous that some mode should, if possible, be devised of bringing them together; so as to render them mutually productive and beneficial. He believed, with an honourable gentleman who had spoken in the coure of the debate, that this country had not yet seen her best days. He did trust, and think, that she would go on increasing in strength, in greatness, and in happiness. We were, in fact, journeying in that road whith was sure to conduct us to wealth, prosperity, and power; we were diffusing education. The reason why former states had been in all ages assimilated to the human frame, in its advance from infancy to youth, from youth to manhood, from manhood to decay, was this—the parallel proceeded upon this fact, that the religion of those states was founded on false principles. They went on from stage to stage of intellectual improvement, emerging from ignorance to knowledge, till the light of day beamed upon the fabric, and betrayed the rotten imposture upon which it was built. The pillar of our greatness, however, was raised upon that basis of all intellectual and religigions improvement—the christian religion. The pledge of our superiority was in the support of those doctrines, which, the more they were examined, were found to be the more excellent in their truths, the more beneficial in their effects. He was confident that the country would proceed in her mighty march of improving excellence, as she had hitherto proceeded; and that she would remain, to the end of time, the sanctuary of morals, the refuge of liberty, and the region of peace and happiness.

Mr. Alderman *Wood* said, he would not detain the House more than a few minutes. The objections urged against Mr. Owen's plan were general, and yet almost every person so objecting, made some admission in its favour. It certainly ought not to be thrown out, as seemed to be the prevailing disposition, merely because it was Mr. Owen's plan. The great difficulties under which the country laboured, as had been repeatedly acknowledged, was the want of employment for labour and capital. This subject had been frequently before parliament, and, in some instances, it was deemed proper for government to interfere and lend its assistance to remedy the difficulty. Now, what said the excellent report of the commissioners who had been four years in Ireland, to examine into the state of agriculture, and to ascertain the quantity of waste lands? According to them, there were 2,500,000 acres lying waste in Ireland. And what did they assign as the cause of its so lying waste?—Why, the want of capital. There were, besides, the waste lands in England. He knew of one waste spot, which, if properly cultivated, would yield sustenance for 20,000 families, valuing them as 80,000 persons, and return 200,000*l.* to government besides. Although he objected to many parts of Mr. Owen's plan, he

thought that the part which related to the cultivation of the waste land was highly deserving of attention, especially when it was considered how large was the annual importation by this country of foreign corn. The plan ought certainly to be referred to a committee. It had been successfully adopted in commerce; what should prevent its efficacy in agriculture? Those who objected to it, from the dread of too greatly increasing the quantity of grain, did not consider that the country paid thirteen millions annually for grain beyond what the country could produce. Many more millions were also paid out of the country for flax and other commodities, and which he insisted might be and and ought to be produced from the waste land and surplus labour of the country. This was the first motion that had been made for the appointment of a committee to consider of the best means of employing the poor, and it ought not to be rejected by the House merely because they did not altogether approve of the plan recommended. All who had seen the establishment at new Lanark, admitted that the course pursued by Mr. Owen had succeeded there; and why might not its benefits be extended? He was by no means partial to the whole of that gentleman's plan, but he conceived that a portion of it might be adopted with great advantage to the country. If his Majesty's ministers would come forward and say that they were prepared with any measure which might equally benefit the poor, by employing them in redeeming the waste lands of this country, he had no doubt the hon. baronet would cheerfully withdraw his motion: but he trusted he would not do so in any other case.

Sir *C. Burrell* in explanation observed, that no surplus grain was grown, simply for want of encouragement.

Mr. *Maxwell* expressed his hope that the House would not refuse to grant the committee moved for by the hon. baronet.

Mr. *D. W. Harvey* contended, that the hon. member for Bramber had wholly misrepresented Mr. Owen's intentions, and his theological views. He had read the paper drawn up by a committee who had been appointed at Leeds to inquire into the nature of the establishment at New Lanark, and who had declared, that they never saw a purer system of morality than was there practised. While Mr. Owen did not disguise his own views of polemical subjects, he was not so extravagant as to think of introducing those views into his infant institution. To state, therefore, that it was an infidel institution, and almost an atheistical college, and that its tendency was to undermine Christianity, when the little community were as celebrated for their religious and moral deportment as for their intelligent useful, and industrious habits, was a gross misrepresentation. For himself, he was never aware that Christianity was aided by secular support, but on the contrary, he always imagined that it was wholly independent of it. The House were not called upon to discuss Mr. Owen's polemical or theological views. They had before them the fact, that a community of above 2,500 persons were, by that gentleman's system, brought into a state of great morality, of happiness, at a moment when the whole of the rest of the country was, comparatively speaking, in the greatest distress. Were they to be blind to that fact, because one honourable member thought that Mr. Owen wished to undermine Christianity, and another conceived that there was some miscalculation as to the advantage of spade cultivation? Unless his majesty's ministers would say that they had some other plan to propose, he thought the House bound to acquiesce in the honorable baronet's motion, were it only to show the people that they sympathized with them under the diversity of misery which they were suffering.

Sir *W De Crespigny* replied. An argument had been urged against the motion, which was scarcely to be justified.—He owned that he felt extremely sore at that argument; recollecting, as he did, that in his life he had never witnessed a purer religion than that established at Lanark. It was true that more of the inmates belonged to the Methodistical church than to the Established; it was, however, a fine sight (and had the hon. member for Bramber been present he would have thought the same) to see them on each Sunday proceeding to their different places of worship. A right honourable gentleman, who had attacked Mr. Owen's plan, had coupled with it parliamentary reform. Now, he understood that to parliamentary reform Mr. Owen was decidedly hostile. Something had also been said about a community of property. There was no such thing at Lanark. Every man had his little cottage, purchased what he required, received his

profits, and either deposited them in his own name] in the savings banks, or did with them what he thought fit. Undoubtedly, such a general combination as that recommended by Mr. Owen would, in his (sir W. De Crespigny's) opinion, be highly beneficial; but that was not his present object. It was evident that something must be done for the relief of the poorer classes of the community. This was the first time that a proposition for considering a particular plan for that purpose had been submitted to parliament. He now asked his majesty's ministers, whether they had themselves any plan to propose on this important subject, as if so he would consent immediately to withdraw his motion?

After a pause, sir W. De Crespigny repeated his question. No answer being given, the House divided: Ayes 16. Noes 141. Majority against the motion 125.

*List of the Minority.*

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| Aubrey, Sir J. | Rancliffe, Lord |
| Barnett, Jas. | Ricardo, D. |
| Compton, Samuel | Smith, J. |
| Gaskell, B. | Sinclair, G. |
| Graham, Sandford | Waithman, alderman |
| Harvey, W. D. | Wood, alderman |
| Lamb, hon. G. | TELLERS. |
| Nugent, Lord. | Crespigny, Sir W. De |
| Pringle, J. | Maxwell, John |
| Palmer, F. | |

State of the Scotch Manufacturing Districts—Renfrew Memorial.] Mr. *Maxwell* rose, pursuant to notice, to bring forward his motion relating to the Manufacturing Districts in Scotland. He said, that at the time of his return from the continent he found the county of Renfrew labouring under a most severe pressure; but the pressure was most heavy upon those who were engaged in the manufacturing interest. They were wholly unable to support themselves by their exertions. Those who were appointed to relieve them had recourse to plans of artificial labour, such as the making of roads, &c. A large sum was subscribed for the purpose of that relief, under the idea that their distresses would prove to be only of a temporary nature; but after expending that, unfortunately another was found necessary to be demanded. In consequence of the situation in which Renfrewshire was placed, it was determined that a petition should be agreed to, stating the nature of the local distress, and pointing out to ministers that spirit of insubordination which began to manifest itself, and which would ever be found to prevail where such distress existed. This course was adopted principally for the purpose of giving to the House an opportunity of declaring what reason, if any, existed, for not bestowing on the northern parts of the kingdom that species of relief which had been granted to other districts of this country. It was felt that, if parliament took up the question, and showed an earnest desire to alleviate the wants of those individuals, the very fact that they had considered their case, would induce those who were visited by an accumulation of evils, to bear up against them with more fortitude than they would perhaps otherwise do. It was evident, that persons of moderate property, in those neighbourhoods where distress was strongly felt, could not, for any considerable time, continue to grant relief; for, if they did, the whole rental of their property would be consumed. In many instances, indeed, the relief afforded to the distressed operators swallowed up nearly the whole rental of the estates of well-disposed persons. When, in addition to this, he stated, that a great many individuals, who had made their fortunes by a connexion with trades and manufactures, had not felt it their duty to come forward and subscribe in this season of distress, and that a vast number of landholders in the distressed districts did not conceive that they were obliged to step forward with relief. When he declared this to be the fact, he felt that he was warranted in calling on that House to pay some attention to those who were now suffering, and to extend their fostering care to those districts in which the pressure of want was most prevalent. Such a proceeding would tend, in a great degree, to prevent the inroad of tumult and disaffection; and it would also operate in hindering the great defalcation of the revenue, which, under existing circumstances, was too much to be apprehended. If the House did not make any great sacrifice—if it showed that it was anxious, willing, and ready to take such measures as appeared best calculated to ameliorate the situation of those parts of the country, which, from various causes, suffered under almost unparalleled distress—if it granted even a trifling aid, much benefit would be derived from the manifestation of that feeling. For a long period an immense revenue had been cir-

culating through the country—sums arising from loans, and from various other transactions, had been afloat. These encouraged industry, by the employment of many individuals in the different manufactures connected with war. This employment was the cause of a superabundant population; and, when war ceased, the population which had been thus created were left unprovided for. Other causes, the existing system of apprenticeship, for instance, tended also to increase the number of manufacturers. He felt it necessary, in calling the attention of the House to this subject, to advert to these points, in order to show that the House would be warranted in making some grant, since the necessity for it arose out of particular circumstances, which were not likely to occur again. The great point of complaint was, that gentlemen of landed property were called on to support those operative manufacturers; and very many of those who were obliged to contribute to their subsistence, had never derived any benefit from their labours. It would, therefore, be well for the House to consider what relief could, in such a case—a case of great hardship—be fairly and prudently granted. Even if his motion were not acceded to, the fair and liberal discussion to which he hoped it would give rise, would have a powerful effect in removing the discontent which prevailed. He conceived that it would be extremely proper to grant pecuniary assistance to those individuals who were desirous to emigrate from Scotland. There being no poor-rates in that country, many individuals were unable to procure the ten pounds which were necessary to enable them to leave the country. There were, in his opinion, certain points of taxation which demanded revision. Those who were scarcely able to procure a scanty subsistence, ought to be relieved from taxation altogether. He could never consider that a wise, just, or salutary taxation, which bore heavily on the lower orders, and augmented the pressure of that distress which originated in causes that could not, perhaps, be entirely removed. It should certainly be an object of great moment with the House, to consider how the immense superabundant population of the country could best be employed or relieved. He did think that some relief should be afforded to the poor in the distressed manufacturing districts of Scotland. It was extremely unfair that almost the whole burden should be placed on the shoulders of the landholder. Various modes might be pointed out by which this severe pressure could be avoided, and he hoped the House would adopt one or other of them. He thought it would be well if they seriously considered whether it would not be better to sanction some relaxation from the strict principles of political economy, in order to alleviate the evils which now confessedly existed in different parts of Scotland. The assistance hitherto derived from the land-owners was likely to be very much narrowed, if not wholly done away; because one-half of the produce of the land was frequently uncalled for; and, for the other half, the farmer was, in many instances, unable to obtain an adequate payment. If things went on in this way, it was clear that the source from which the operative manufacturer derived his subsistence, would soon be dried up. If this most important subject was not taken up warmly and zealously, those who were borne down by the pressure of distress would be led to think, that there was no sympathy for their situation. Feeling thus, the tie of their alliance would become weak; and, instead of acting on the doctrines of religion and morality, they would perhaps be incited to form themselves into bands of thieves. What must be the feelings of many fathers of families, when, owing to the extreme pressure of the times, they found it necessary to withdraw their children from school—when they were obliged to leave them in a state almost of nakedness, and saw them without food and without clothes in the midst of an inclement winter?—Would not such a state of things tempt men to question the excellence of those civil institutions under which they lived, and that form of government under which their rights were supposed to be protected? Would not individuals, thus overwhelmed by distress, throw aside the system of good morals, and the love of pure character which they had previously cherished, and adopt other principles and sentiments? There had been instances in which the misfortunes of the people had produced such effects; and he much questioned whether the measures pending at that moment would prevent a similar result, unless they were accompanied by acts which would prove that their situation was not treated with coldness and apathy. He begged the House to consider, before they came in contact with the people, whether it would not be wise and

prudent to look, with an anxious eye, to the circumstances which led to the present state of affairs, and to devise some means by which the affections of the people might be secured, and the great body of the population taught to reverence the laws of the land. There were circumstances which should induce every man of feeling to contribute his share towards alleviating the misfortunes of the labouring community. Whether he was in favour of a small pittance, or a large and liberal grant, he would have this consolation—that his efforts tended to reduce the sum of human suffering; that thereby discontent would be removed, and the interests of religion, of law, and of social order, would, in a proportionate degree, be asserted and preserved. Whatever feeling of discontent existed in the country was, he believed in his conscience, to be attributed to want, and to want alone. Individuals were to be found who were anxious for what was called radical reform; others called out for some new and undefined change in the constitution of the country; and the dissemination of their tenets had produced an alarming effect on the minds of the people. But he was firmly convinced, that such of the great mass of the population as had been brought to admire and to join in those tenets, acted more from the feelings engendered by want, and from the natural hope of having that want relieved, than from any disaffection to the government, or any dislike to the constitution of the country. The middling orders of society, though attached, on account of their property, to the existing government, were, by their feelings, strongly connected with the labouring classes; and he did not believe that, at the present moment, there was an individual in the former rank who would not contribute to any fair system of taxation, if he were satisfied that it would be the means of affording permanent relief to his less fortunate fellow-creatures.—The hon. member concluded by moving for "a copy of any memorial which has been transmitted to the Lords of the Treasury, relative to the distresses of the manufacturing part of the population of the county of Renfrew."

The *Chancellor of the Exchequer* said, he had no objection to the proposition of the hon. gentleman. It was obvious, however, that the object of his motion was pecuniary assistance; and he would state very shortly to the House the course which his majesty's ministers deemed it necessary to pursue on an occasion of considerable difficulty and delicacy. Every person must agree in the truth of the observation, that considerable distresses existed in the manufacturing districts of Scotland and of this country; but the mode of granting them relief was a matter which required serious consideration. Those distresses arose at different times, and from very different causes. Sometimes they were the effect of war, sometimes the result of peace. Fluctuations, created by a variety of causes, must have a powerful effect on manufactures. The demand for them would, at one period, be exceedingly large, and then the population would be generally employed; while at another, that demand would shrink and decrease so much, as to render it impossible to keep the manufacturing population at work; and of course, a considerable pressure of distress must be produced. The House must be aware, how much that distress was likely to be aggravated in a country where no law existed, which could be carried into effect, when the working population were thrown out of employment. When cases of this kind occurred in England, the poor tradesmen found relief by the operation of the poor-laws. In Scotland, where such a system did not exist, the pressure was, undoubtedly, much more severe. He was afraid that if parliament were to introduce the system of poor-rates among the people of Scotland, it would be very ill received; and, on the other hand, if they departed from the existing principle, and bestowed relief on local districts, there was no place that would not expect to have its distresses alleviated in the same way. To show the view which ministers took of this subject, he would read the answer which had been sent to an application made by the duke of Hamilton for a grant to relieve the distresses of the inhabitants of Lanarkshire:—"Fife House, 14th December 1819. My lord; I have had the honour of receiving your grace's letter. I informed you some days ago of the course of proceeding which had been adopted in consequence of the application from the city of Glasgow. A petition has been presented to the House of Commons from that place, and measures are in progress for carrying into effect the prayer of that petition. As soon as the question of security can be settled to the

satisfaction of parliament, government will have no difficulty in making an advance, with a view to immediate relief. Your grace does not seem to be aware that the government of this country has no fund at its disposal for the relief of the distresses of the poor; that the people of England provide for their poor by local assessments, and that it never could be expected in reason or justice that they should be called upon gratuitously to provide for the poor of the other parts of the united kingdom (where no assessment exists) in addition to their own. If the district of Lanark, or any other of the distressed districts of Scotland, will apply to parliament for leave to assess themselves in aid of their poor, government will have no difficulty in recommending, under the special circumstances of the case, that advances shall be made on the security of such assessments; or, if any plan can be proposed to parliament for giving employment to the poor, by means of local improvements, government will have the same disposition to forward the object by temporary advances, where reasonable security can be given for ultimate repayment. With respect to emigration, your grace is already acquainted with my sentiments. The object, important as it is in itself, can from its nature only admit of gradual accomplishment, and to attempt a too extensive and hasty execution of such a plan could only lead, in addition to unlimited expense, to the ruin and destruction of those whom it is wished to relieve. I request that your grace will communicate these sentiments to the gentlemen with whom you correspond, and at the same time inform them, that if they will come forward with some specific proposal, on the principle of that of Glasgow, government will have every disposition to give the most liberal and indulgent consideration to it, and to recommend it, if possible, to the adoption of parliament.—I have, &c. (Signed) Liverpool."—From the nature of this letter, the House would perceive that the government was not inattentive to the distresses of that part of the empire; and he could further add, that every possible consideration would always be bestowed on the question by those who had the guardianship of the public interest.

Mr. *Primrose* said, there was a great difference between the distress of the manufacturing districts in England and in Scotland, inasmuch as in the one country it was relieved by poor-rates, which had no existence in the other. Now, some relief ought to be granted to the population of Scotland; for if they were permanently out of bread, they would be permanently seditious. At present, there was not only a want of employment amongst the manufacturers, but in the warehouses there was an excess of their commodities. This surplus of goods rendered the master-manufacturer incapable of paying the labourer as usual, and therefore the labourer was obliged to work more hours than customary in order to gain wages sufficient to supply the wants of nature. Under these circumstances, he hoped that the distress existing in the manufacturing districts of Scotland would be made the subject of inquiry, and that the House would enter into that inquiry, devoid of all political views, except as far as regarded the effects of taxation upon the manufacturing interests.

Mr. *Kirkman Finlay* said, that every attention was paid by lord Liverpool, and the right hon. the chancellor of the exchequer to every remonstrance and memorial presented on the part of the distressed operatives of Scotland.

Mr. *J. P. Grant* said, that while distress so generally pervaded the whole country, he could not refrain from observing on the contracted, and unstatesman-like policy pursued by his majesty's government. Two special considerations had been omitted in their views of that great question, namely, the want of provisions for those persons whose families were in a state of starvation, and the general interests of the community. Ministers seemed inclined to throw the support of the distressed upon the more opulent, without considering that every pressure on them, would necessarily re-act upon the people. It would be no answer to those who could not procure food, that the army was increased, that coercive measures were necessary to be enforced, and that an increased expenditure was requisite to meet the general exigencies of the times. All that might be the case; but it would never satisfy the people, nor procure them the means of subsistence. Their distresses should be looked to, and the causes that produced them probed to the bottom; if any serious intention was entertained of effectually removing them. In a season of such emergency as the present, the government and the parliament should interfere; for the poor

and the distressed were not only concerned, but the general peace and prosperity of the country. Society was only established, and governments created for the purpose of the general good, and the evil of starvation should not be thrown on one particular class of persons.—If the evil were distributed more equally, its pressure would be less severe; and if owing to the line of policy hitherto adopted, distress had multiplied to a most alarming height, the time was arrived at which measures should be taken for its diminution and relief. He could not forget the grants which were made to the Portuguese, the Russians, and the Germans, and even to persons nearer home—the weavers of Spitalfields. How, then, could it be said, that the present demand was new? or that the case submitted to their consideration did not loudly call for legislative interference? While aggravated misery existed, they should not sit with their arms across, and say, leave it to the natural cures for an overgrowth of population. These natural cures would be, famine and pestilence. But were these to be their remedies? Why was society at all invented, if not to provide remedies of a safer and a better nature? The present distresses were not confined to any one particular district: the causes that produced them operated but too generally; and when people were dying for want, it was high time to consider of the best means for the prevention of increasing evils. If a ship at sea was reduced to short allowance, no one would think of throwing a part of the crew overboard, in order to make ampler provision for the rest. No, the scanty provisions would be equally divided; and the same thing should be done in the present situation of this country. Temporary relief about two years ago was found of great assistance towards the mitigation of distress. Why then not try the same experiment on the present occasion? The peace of society, and the stability of the government depended on the exertions which might now be made to relieve the people from those calamities by which they were oppressed. He was a friend to all necessary measures for the repression of disaffection; but he called upon them, for God's sake, not to give the people to understand that no attention would be paid to their distresses.

Mr. *Huskisson* repelled the charge of inattention made on the government by the hon. member, and added that the letter which had just been read must have satisfied any man of the disposition of ministers to use their best endeavours to procure relief. Distress existed in certain districts of Scotland, perhaps from the over-growth of population; but those very districts had increased in prosperity more than one hundred fold, by the industry of that very population, whose distresses had been so much dwelt on. In looking at the distresses of the manufacturers, they were bound to look at the state of the foreign markets, particularly that of America, one of the greatest consumers of British manufacture; and if they fairly looked to that, they would find no legislative measures of the government that could remedy those evils, whose existence he regretted as much as any member in that House. Violent speeches could not reduce distress, but would rather tend to increase that discontent, that feverish excitation, which were now so visible throughout the country. The parliament could do but little by direct relief; but much could be done by restoring that confidence and security to the capitalist, which recent measures had so much shaken. If this were not effected, capital would be naturally withdrawn from its accustomed channels of circulation, the industrious classes would be left without employment, and the general decay of commerce would most ruinously ensue. To prevent this accumulation of mischief should be the desire of all; and he felt satisfied it was the sincere and heartfelt desire of his majesty's ministers.

Mr. *Tierney* thought it extraordinary that government, knowing all this distress to exist, had not been prepared with some measures to relieve it. He was not at all surprised that those who were connected with that part of Scotland, and who had themselves been eye-witnesses of the misery and starvation which prevailed there, should express themselves in warm language; and he trusted that the House, on taking that circumstance into consideration, would pardon any warm expressions that might have been used. There were occasions on which government was glad to employ the distressed part of the population on works of general importance. This had been done at Glasgow and elsewhere; but in the county of Renfrew, no public works could be undertaken; and thus the principle which was good in one part of Scotland, was bad in

another, from being totally inapplicable. He was ready to admit that Scotland was as much bound to provide for its poor as England; but if there was any difficulty in raising a sum there to relieve them, (and he did not say that there was any such difficulty), government might be justly called upon to assist in obviating it. The right hon. gentleman had denied, with considerable vehemence, that any of our existing evils arose from the policy of ministers. Now he (Mr. T.) thought that some of them had. A principle of political economy had been violated by an issue of paper, that was not convertible into money: and this, as they all knew, had not been productive of any advantage to the state. The people of part of Scotland were now allowed to be in jeopardy of starvation. Was he, when they were in such circumstances, to understand that no relief would be granted to them, unless the gentlemen of landed property came forward in their behalf? No; that was not exactly the case: all the gentlemen on the other side said that something ought to be done, but they could not tell what. So said the poor and famished manufacturers, but with a meaning rather different. This something, which was to be done when the people required relief, appeared very like nothing; but when something was to be done to coerce the people, that something came before them in the shape of six or seven bills. Did gentlemen think that it was only by dint of law and a military force, that they could restore strength, and health, and soundness, to their convulsed country? He hoped not. It was too monstrous a proposition to be seriously entertained for a moment. They were now receiving complaints from different parts of the kingdom, not of imaginary miseries or fictitious evils; they were receiving petitions, not for absurd theories of representation, or wild changes in the constitution; but complaints of actual misery, and that, too, of the very worst nature—of starvation. It was a dreadful state of society to live under, and would become still more so, if relief was not granted. It was said that this relief ought to come from the landed proprietors; but was it not too much to ask, that the calamities arising out of the decay of the manufacturing interest, should be entirely relieved at the expense of the agricultural, which was not itself in the most flourishing condition. If ever there was a case in which the House ought to seek to extend redress to the people, either by granting a committee, or in any other way, this surely was one. He did not think this a party question; and if a committee was granted, he should not enter it with party feelings. He recommended it, because he believed it would be the best way of conciliating the disaffected, and restoring tranquillity to that part of the country which was disturbed.

Mr. *Marryat* said:—Mr. Speaker; I regret that language should have been used in this debate, the tendency of which is rather to aggravate than allay the discontents that prevail among the labouring classes of the community. I also regret as it is admitted on all hands that these discontents originated chiefly in distress, that his majesty's ministers have it not in contemplation to bring forward any measures by which that distress may be alleviated. I admit that the safety of the state is the first object that demanded their attention; but that being provided for by the various bills now in progress through the House, I think measures of relief, as far as relief is practicable, ought to go hand in hand with measures of coercion. It has been stated in many loyal addresses to the throne, echoed back again to us in the speech from the throne, re-echoed in our address, and repeated in various speeches in this House, that this distress is only of a temporary nature. Often as I have heard this asserted, I have never once heard it attempted to be proved; and I believe for this plain reason, that to prove it is impossible, because this distress is inherent in, and inseparable from, the situation in which this country is now placed. We are in an artificial and extraordinary state of things, different from that of any other nation on earth. We have to provide for the interest of an immense national debt, in addition to the expenses of our regular peace establishment, so that the ordinary sources of revenue, derived from taxes on internal consumption, which served to defray the expenses of other governments, will not suffice for our wants; but we depend also upon the revenue derived from manufacturing, to a great extent, for the consumption of foreign powers. This resource is of immense importance, as may be seen by the single instance of the cotton manufac-

tory. The raw cotton annually consumed in this country costs about six millions, which in its manufactured state is sold for at least six times its original value, or thirty-six millions, leaving a profit to this country of thirty millions. At the close of the war, about one-third of the profits or income of every individual, found their way into the exchequer, as appears by the returns under the Income Tax act. That tax was paid on nearly 150 millions, for it produced 14,800,000*l.*; adding one third or 75 millions, for short returns and exemptions, the total income of the inhabitants of this country will be something more than 220 millions, and the amount of the public revenue at the same period exceeded 70 millions, or nearly one third. Since the repeal of the income tax, the proportion is reduced to about one fourth; so that the cotton manufacture now produces an annual revenue of 7¼ millions. Extend this calculation to our other great staple manufactures, wool, leather, glass and earthenware, hardware, and various others, a large proportion of which is exported, together with the produce of our mines, lead, iron, copper, tin, and coals, and it will be seen how much our revenue depends upon the export trade of the country. During the war, we commanded a monopoly of the commerce of almost all the world, and increased our manufactures to such an extent, that they actually occupy a much greater part of our population than are employed in agriculture. Every thing then wore the appearance of prosperity, for the workmen obtained high wages, for which the master manufacturers indemnified themselves, by the high prices they obtained for their goods in foreign parts. But when peace returned, and we came into competition with the manufacturers of every nation on the continent, where labour was much cheaper than in Great Britain, a great and sudden revulsion took place. Our master-manufacturers found themselves undersold, and were consequently obliged to reduce the price of their goods. To relieve themselves from this loss, and enable themselves to afford their goods as cheap as their rivals in foreign markets, they reduced the wages of their workmen, and at length even this resource has become ineffectual; for although the workmen who continue to have employment, are only paid a pittance insufficient for their support, the export of our manufactures is so much diminished, that great numbers of them are without any employ whatever.—I know there are many individuals who think that British skill, capital and enterprise, will carry all before them; but I can assure those gentlemen that they under-rate the exertions of our rivals, as I can show them by referring to the trade of the Havana, which being open to all the world, is as fair a criterion as can possibly be furnished. From the returns of the vessels that arrived at that port for the six months ending in July last, it appears that out of 99 which came from Europe, only fifteen sailed from Great Britain; eighteen were from France, and twenty-one from Holland and the Hans towns. This enumeration shows that six parts out of seven of the wants of the inhabitants of the island of Cuba, can be supplied cheaper from other parts of Europe than from Great Britain; and confirms the positions I am endeavouring to maintain, that manufactures can be afforded cheapest where labour can be procured at the lowest rate, and that labour will be lowest where the taxes are the lowest, because the rate of taxation necessarily enhances the price of every commodity that men eat, drink, wear, or consume. Peace brought the same distress upon agricultural as upon the manufacturing classes, by exposing the British farmer to a competition with the foreign grower of corn, but the land-holders relieved themselves by passing the corn laws, which raised the price of bread upon the lower classes, at the very moment when their means of paying for it were diminished by the reduction of their wages. I impute no blame to the landed interest, for their distress required relief; but I contended at the time, that they helped themselves with rather too liberal a hand; and the present state of things proves that the public burthens now press too heavily on the labouring classes of the community. The longer we attempt to go on upon our present system, the more, I fear, will our financial and political difficulties increase. Six years ago, the right hon. gentleman the chancellor of the exchequer, published a pamphlet entitled "Outlines of a New Plan of Finance," in which he predicted that according to his new plan, the whole of the national debt would be liquidated in the year 1837; and told the public "that he had found out a new discovered treasure of 100 millions, such as no country ever before possessed, raised

without the impoverishment of any individual, or any embarrassment of the general circulation." Does any man, in his sober senses now believe, that the whole of the national debt will be paid off by the year 1837, or that the right hon. gentleman has these 100 millions in his pocket? Sir the fallacy of the right hon. gentleman's plan consisted in his taking it for granted, that taxation might be increased to an indefinite amount; his calculations were founded on an addition of 21 millions to all the then existing taxes; and one of the first acts of John Bull, after the peace, was, to kick off seventeen millions from the load of taxes he already bore. Thus vanished at once all the right hon. gentleman's visions of liquidating the national debt, and his newly discovered treasure. This retrospect is important, as it may serve to bring the right hon. gentleman to true principles of finance; and to show him that if he means his next plan to succeed, he must found it on the basis of reducing, not augmenting, the present weight of taxation. This appears to me (to use a proscribed term), to be the only *radical* cure for the evils under which the country now labours; and in my opinion would be best accomplished, by a general contribution of property of every description, for the purpose of paying off a considerable portion of the national debt, and thus getting rid of those taxes which render it impossible for our labouring classes to afford their labour as cheap as their continental competitors. I know of no other means of reviving the foreign demand for our manufactures, and thus securing constant employment to the distressed part of our population. The measure, though severe is certainly practicable. I happened to be in Holland in the winter of 1802, and the inhabitants of that country had then paid ten per cent upon their capital, besides a very considerable per centage on their income. Some gentlemen have recommended a renewal of the property tax, for the purpose of taking off those taxes which press most heavily upon the poor, and this would certainly give them considerable relief, but it should be considered, that the property tax must be perpetual, the other measure temporary that the relief given by the former would be only partial, that by the latter effectual; that by imposing a property tax in time of peace we exhaust a resource which ought to be reserved for time of war, and may be obliged to submit to insults from foreign powers which we dare not resent, on the contrary, this country would stand in a prouder situation than ever, if after incurring such a vast expenditure to deliver Europe from the most gigantic despotism that ever attempted to crush the liberties of mankind, she made such an unexampled sacrifice to relieve the suffering classes of her own population, on whom the public burthens pressed with too disproportionate a weight. I shall not go into any particular details on this subject. It is the province of his majesty's ministers to propose specific plans of relief, for the distresses which have produced such alarming symptoms of discontent; and I trust they will shortly bring forward some general and well digested plan of this description, such as will meet the full approbation, as I am persuaded it will receive the most serious consideration of this House. In the mean time, I cannot concur in any local or partial measures, such as that we are called upon to adopt by the present motion.

The motion was then agreed to.

Seizure of Arms Bill.] Lord Castlereagh moved the order of the day for the third reading of this bill.

Mr. *Calcraft* stated, that he had been extremely desirous, if it had been possible, to give his support to this bill. The object of himself and the friends with whom he acted, in the opposition which they had given to the present measures was the security of the public peace; but even though such was their object, neither he nor they could support a bill which authorized the searching of a man's house by night for arms. If the noble lord on the other side would call to his recollection what had passed in another country, he would find that arms had been seized more easily by day than by night; and without any of those violations of decency and decorum which must naturally take place when a man's doors were broken open, and his whole family suddenly exposed to the gaze and inspection of official intruders. For these reasons he should vote against the measure.

Sir *Joseph Yorke* wished to explain the vote which he intended to give this evening, as some gentlemen might not know how to reconcile it with his vote of a former evening. He could have wished the words "by night" to have been struck

out of the bill; but, as it had seemed good to a large majority to retain them, he should vote for the bill, rather than allow so necessary a measure, as it was to be lost altogether.

Mr. *Dickinson* said, that no man was more anxious than he was to justify the right of the people of England to have arms; but, in the present state of the public mind, he thought it expedient to place this right under some restriction.

Lord *James Stuart* could have wished the government to have come forward with some more conciliatory measure. He would have agreed to the bill now before the House if the clause, allowing the search by night, had undergone the amendment which an hon. friend of his had proposed. The bill in its present form contained something so hostile to the spirit of the constitution, that he could not possibly support it. He was not sufficiently acquainted with the forms of the House to know how to proceed, in order to throw it out; but he trusted, that some gentleman of greater parliamentary experience than he possessed, would take the proper course to effect that object.

Mr. *Tierney* said, that he should move to leave out the words "by night," if for no other reason at least for this—to give an hon. baronet on the other side (sir J. Yorke) the opportunity of voting twice in 29 years against the government [A laugh].

The Speaker then put the question, that this bill be now read a third time, which was agreed to without a division. on the motion that the bill do now pass, Mr. Tierney moved to leave out the words "by night," on which the House divided—For the motion, 46; Against it, 158: Majority, 112. The bill was then passed.

*List of the Minority.*

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|---|---|
| Althorp, lord | Grenfell, Pascoe |
| Brougham, H. | Grosvenor, gen. |
| Benet, J. | Harvey, D. W. |
| Barnet, James | Hume, Jos. |
| Beaumont, J. W. | Howarth, H. |
| Calvert, C. | Hamilton, lord A. |
| Denman, Thos. | Howard, hon. W. |
| Evans, W. | Kennedy, T. F. |
| Ebrington, visct. | Lamb, hon. G. |
| Fergusson, sir R. C. | Longman, Geo. |
| Fitzroy, lord C. | Lambton, J. G. |
| Farrand, R. | Lloyd, J. M. |
| Grant, J. P. | Monck, sir C. |
| Guise, sir W. | Maberly, John |
| Graham, J. R. G. | Maberly, W. L. |
| M'Leod, R. | Stuart, lord J. |
| Osborne, lord F. | Tierney, rt. hon. G. |
| Pryce, R. | Wood, alderman |
| Pares, Thos. | Waithman, alderman |
| Palmer, C. F. | Wilson, sir Robert |
| Ricardo, D. | Yorke, sir Joseph |
| Rancliffe, lord | TELLERS. |
| Sefton, lord | Bennet, hon. H. G. |
| Scarlett, James | Calcraft, John |
| Smith, hon. R. | |

## HOUSE OF LORDS.

*Friday, December* 17.

Seditious Meetings Prevention Bill.] Lord *Sidmouth* rose to move that the bill for more effectually preventing seditious meetings and assemblies be referred to the consideration of a committee. After all that had passed in the course of the session, he was unwilling to suppose that there could be any opposition to the present measure. He could indeed with confidence say, that notwithstanding all the measures which had already been adopted, their lordships would very imperfectly perform their duty, unless they added to them the present, which was calculated to avert one of the greatest dangers to which this country was exposed. Considering, however, the discussions which the measures proposed by his majesty's government had already undergone, and considering the manner in which the public attention had been called to them, he should feel himself warranted in taking up but a small portion of their lordships' time in explaining the details of this bill. The principle of the measure was founded upon the preservation of one of the most important rights of the people—a right which he hoped would ever be maintained—and to secure its exercise in a manner consistent with the free constitution of this country. He could not better describe the evil which it was the object of the bill to prevent, than by referring to the words of its preamble, which stated, that "in divers parts of this kingdom assemblies of large numbers of persons collected from various parishes and districts, under the pretext of deliberating upon public grievances, and of agreeing on petitions, complaints, remonstrances, declarations, resolutions, or addresses, upon the subject thereof, have of late been held, in disturbance of the public peace, to the great terror and danger of his majesty's loyal and peaceable subjects and in a manner manifestly, tending to produce confusion and calamities in the nation." It was matter of

perfect notoriety, not only that meetings of such a description had been held, but that for the last few months scarcely a week, or even a day had passed without some of these meetings being assembled. Supposing therefore that their lordships should approve of the principle of the bill, which proceeded on the admission of the danger described in the preamble, their next consideration would be, whether the existing law were sufficient to prevent it. He had a right to take it for granted that their lordships would admit the principle. Assuming, therefore, the danger, they would have to inquire what regulations were necessary, and whether the provisions of this bill were capable of answering the end proposed. Those who had inquired into the state of the existing laws on this subject were satisfied that there were many dangerous features in the meetings referred to, for which no remedy could at present be found. The existing law did not prescribe any mode of giving notice or superintendence by magistrates. It in no way regulated the manner of attending meetings; it did not prohibit going to meetings in military array, or carrying to them weapons; it did not prevent simultaneous meetings, nor the continuance of meeetings by adjournment; it did not prevent assembling with flags and banners: if seditious or treasonable language were spoken, it did not, besides empowering a magistrate to order the person offending into custody, also enable him, in the case of resistance, to declare the meeting illegal; it did not provide against a great abuse, the evil effects of which had been extensively experienced, namely, that when the inhabitants of a particular town or district, were summoned to a meeting, so many strangers attended, that the majority of the meeting did not consist of such inhabitants. Neither did it provide against the most pernicious practice of itinerant orators attending public meetings, and collecting vast multitudes to hear their harangues. Now their lordships would find, that all these great evils for which the existing law had no remedy, were provided against by this bill. It required that six days notice of the intention of holding any meeting should be given to a magistrate, and that that notice should be signed by at least seven householders. It forbade all military array bearing of arms, and the display of banners and flags. It put in the power of the magistrate, under certain limitations, to alter the day and place of the meeting. It prohibited the holding of meetings by adjournment. But what was most important was, that this bill, in reserving to the subject all his rights, the better secured them. It established by law, what had hitherto been only matter of practice. It sanctioned the free assembling of the people to petition the throne or either House of Parliament, and to discuss any public grievance of which they might have to complain, it guarded, however, against simultaneous meetings, and other abuses of that important right. In all these guards the existing law was deficient, and the deficiencies were supplied by the present bill. He therefore could not but persuade himself that while their lordships would admit the existing law to be inadequate, to meet the present danger, and to require amendment, they would think the provisions in the bill contained satisfactory remedies for the evil which was to be corrected. There were two points with regard to which objections had been urged against the present measure. Upon these he should not say much. The first regarded its locality; whether the bill should be general or limited. On this subject he should only remind their lordships of the bill brought into parliament for regulating meetings in 1796. The introduction of that bill followed the meetings at Copenhagen-house, which were supposed to have a connexion with the atrocious attack made on his majesty at the opening of that session. But if a general measure were thought necessary to meet the evil in 1796, how much more requisite must it now be to bring in such a bill as the present, when their lordships recollected the state of the country, and all that had within these few months occurred; when they knew that meetings, against which it was then thought necessary to guard, now took place, week after week, and day after day, in different parts of the country. Whether the bill ought to be permanent, or of shorter duration than that to which it was now limited, was the other point. As it at present stood, it was limited to five years. He should think that he acted disingenuously with their lordships, if he did not state that he thought the measure ought to continue beyond that period; and he must express his hope, that the time would never arrive when the legislature,

let the government be in whose hands it might, would permit the country to be without the means of guarding against danger which this bill afforded. In the mean time, he was persuaded that their lordships would allow the bill to go into the committee, in which all its details would come under their consideration. In stating the great difficulties and dangers against which their lordships had to provide, he never was one of those who despaired of the country; but feeling, as he did, great anxiety for the public safety, his mind was much relieved by perceiving, that their lordships, and the other House of parliament, had proceeded to investigate the evil, and to apply remedies with an energy suited to the occasion. Their lordships, he was confident, would not temporize, but would meet the crisis with the firmness and energy which the times required; for, by so acting, the country would overcome all its difficulties. He would not detain their lordships longer than to move that the bill be now committed.

The Earl of *Carnarvon*, in rising to address their lordships on the motion, observed, that from the hurried manner in which the measure had arrived at this stage, little time had been allowed him to decide in what way he should proceed. He considered the bill so objectionable in all its parts, that if he consented to its going into a committee, that consent would arise from the necessity in which he was placed by the previous proceedings of their lordships. He could not, however, allow the measure to be any thing else than an evil which ought not to be acceded to, unless farther limited. It was only upon that condition that ministers ought, if the state of the country required it, to have the advantage of such enactments. He was aware he could not apply the principles of the old law of the country to every new emergency. Although he was cautious of every proposition which might appear to modify that law, he could not deny that, within the century which followed the revolution of 1688, when the principles of the constitution were settled, the situation of the country had undergone considerable change, and that not a little difference had taken place in the state of society. He felt himself, therefore, bound to admit, that some difference might be necessary in the details of the laws, in order to make them answer the great purposes for which the revolution was accomplished; but when he came to this admission, it did not follow that he should agree to severe and restrictive measures without proof of their necessity. If he admitted the principle at all, he could not but the more strongly feel the necessity of great deliberation in carrying it into practice. In the present case their lordships would do well to recollect, that they were called upon to sanction the measure without having had sufficient time afforded them for its consideration; and that this call upon them was accompanied by the expression of a hope, that the time would never come when the law should be repealed. If the danger to be provided against arose from delusion, the cause of that delusion ought to be the first object of their lordships' attention. Under these circumstances, although he did not mean to oppose the bill's going into the committee, because he was ready to allow that some measure might be necessary, it was his intention to move, that it be an instruction to the committee to restrict the duration of the bill to the 1st of July, 1822. To that period he would consent, though it was his wish, if he could carry it into effect, to render the time of its duration as short as possible; but considering the state in which the country was represented to be, he was willing that one session more should pass away before the law expired. When he looked at the bill, he could not agree with the noble secretary of state in wishing it permanent. It appeared to him, that it could only be endured as a particular remedy to meet a temporary evil. Viewing it in quite a contrary light from the noble viscount, he sincerely hoped that, when it expired, such enactments would never again become the law of the land. By this bill their lordships were told, that no county meeting could be called except by the lord-lieutenant, the sheriff, &c. or by five or more magistrates. Cities and large towns could have no meetings except in parishes, unless under the authority of the mayor. Indeed, with regard to large towns, it appeared to him very doubtful, whether, in any one consisting of more than one parish, a general meeting of the inhabitants could be assembled. In a large town like Manchester he was not sure that, under this bill, any meeting, having for its object the general interests of the place, could be called. It was not to be presumed that every meeting in that

town must necessarily be a political one. It might be desirable to call one with reference to local interest and trade. The inconvenience thus created by the bill would alone be a strong objection against it. When he observed that by the clause, no meeting could be held in any county, stewartry, or place, except by the authority he had already mentioned, he could not but strongly feel the difficulty that was thrown in the way of county meetings, that ancient and constitutional mode of assembling. It was said, however, that if the lord-lieutenant and the sheriff refused to call a county meeting, five magistrates were empowered to call it. When the jurisdiction given by the bill was conferred in this manner, it was necessary for their lordships to look at the magistrates who were to possess it. He had already expressed his doubts, whether in a town which had more than one parish, any general meeting could be held; and their lordships would do well to consider, whether such partial restrictions might not tend to create the disaffection it was wished to repress. He would not discuss whether parish meetings would be advantageous for political purposes or not. They might be beneficial, or not; but that could only be seen by the result. This, at least, appeared—that the division into small portions was likely to give less weight and energy to public meetings. Their lordships, in viewing this question, should consider whether it was not possible that a time might come when it might be necessary for meetings to be called to defend their own privileges, and whether they might not then have reason to regret the having done something which deprived these assemblies of all consideration and importance. To return to county meetings—with respect to them, all their respectability was destroyed. In the first place, the lord-lieutenant was an officer of the crown, and their lordships had been recently shown, that if ministers were not satisfied with a lord-lieutenant, he was to be immediately dismissed. If he simply differed from ministers on a constitutional question, he was no longer to hold his office. So much for the situation of one of the persons authorized to call a county meeting. The next officer was the sheriff, and with regard to his appointment, considerable influence was always understood to be exercised. It was probable, therefore, that few instances would occur of county meetings called either by a lord-lieutenant or by a sheriff, for any object not agreeable to ministers. What remedy did the power given to five magistrates afford? As the magistrates were at present constituted, he was ready to admit that it was difficult to suppose that in any, except perhaps some small counties, five justices of the peace could not be found willing to put their signatures to a requisition for any purpose for which a county meeting ought fairly to be called; but when the law in which this power was given was to last for five years, and when their lordships were told that it ought to be made permanent, it would be well for them to consider, not only what the magistrates, to whom the people must at last have resource for the exercise of a constitutional right, were, but what they might become. Their lordships, doubtless, knew that the whole of the magistrates were nominated by the lord chancellor, on the recommendation, but not exclusively so, of the lord-lieutenant of the county. What a lord-lieutenant was, their lordships very well knew; what a chancellor might be, they had yet to learn. If the noble lord who now held the seals were always to make these appointments, he should fear no partiality. But it was not by the lord chancellor of the present day their lordships were to judge. They had to look not at the individual, but at the office. If this measure were to be made a part of the permanent law of the land, their lordships must look to this consideration, that at some period or other it might very probably be wished to call county meetings to arraign the conduct of the ministers of the crown, and that the lord chancellor, who had the appointment of magistrates, was one of those very ministers of the crown of whose conduct it was sought to complain. It might therefore happen that hereafter the magistracy would not be selected in the manner they had hitherto been. This view of the subject afforded strong reasons against the adoption of a measure which might have a tendency to alter the character of the magistracy. Their lordships all knew the laudable manner in which the unpaid magistracy discharged their important duties. The institution was one peculiar to this country; for in no other state of Europe could the materials for composing it be found. Consisting, as it did, of gentlemen of property and character, the country were indebted to it for the transaction of great part of its judicial busi-

ness, and of much of its public business, and that too in a manner the most satisfactory, and the most beneficial to the public interests. It was, therefore, of the greatest importance to keep this most respectable body of men as much as possible out of the vortex of the influence of the crown, and to prevent their conduct from being liable to the operation of party feeling, which might injure their character in the eyes of the population of the country. As it was a most important duty of magistrates to avoid carrying their political feelings with them to the bench, he objected to the power given to a single justice of the peace to put an end to meetings. This might be done too by under-sheriffs, who were very often merely attornies, and sometimes ready to become the tools of power. He objected also to the clause making persons liable to fine and imprisonment who might from mere curiosity go to a public meeting in a place of which they were not inhabitants. But what would the House say to another clause which had been introduced into this bill—a clause which he thought demanded their serious attention? This clause provided, that if any one magistrate present at a public meeting, should hear any speech made at such meeting which should appear to him "to propound or maintain any proposition for altering any thing by law established, otherwise than by the authority of the King, Lords, and Commons, in parliament assembled," he should have the power of committing the person who delivered such speech to prison; that was to say, that a single individual, upon his own authority, and unsupported by any other magistrate, perhaps acting from ignorance, perhaps from malevolence, should have the power of taking into custody any individual, however great his talents, however high his rank, or however distinguished in virtue, whom he might suppose had said something at variance with the principles laid down by this act. He would ask, could any thing be more preposterous or less consistent with those rules of action by which society had hitherto been governed? Would not, under such a provision, many of the noble lords whom he then saw around him be liable for the expression of sentiments which had hitherto been permitted without an observation, to be ignominiously seized and thrown into a dungeon; and this too at the discretion of a single magistrate, perhaps incapable of drawing a fair inference from what he had heard? He would suppose that such a sovereign as James 2nd now occupied the throne, and that a meeting was called under his sanction for the purpose of passing resolutions to overturn the Protestant religion, which, he believed, if that sovereign had continued to preside over these realms, he would have attempted; would not the people, in such a case, be justified in resistance? In such a case, would any of their lordships say, that the people had been guilty of treason? And yet, such was the nature of the power which this act vested in the magistracy, that any hot-headed individual of that class might, upon a supposition that he had heard alterations proposed otherwise than with the consent of King, Lords, and Commons, take the supposed offender into custody. The clause, however, did not stop there; it proceeded in this strain:—"or if any person shall wilfully and advisedly make any proposition, or hold any discourse, for the purpose of inciting and stirring up the people to hatred or contempt of the person of his Majesty, his heirs or successors, or the government and constitution of this realm as by law established, he shall be taken into custody, and dealt with according to law." So that any thing which a man said, even to bringing into contempt the government of the country, was to render him equally liable to incarceration; and this too upon the judgment of one individual, who would be thus entitled to draw a conclusion as to what was, and what was not a libel, although that House, after repeated discussions upon the same subject, had been unable to come to any practical definition of it. He could only say, that if this law were to pass, it would not be safe for any individual, however elevated in station, or independent in principle, to trust himself at a public meeting. He was willing to admit, that the exercise of some coercion was necessary, and with that feeling he should not object to the bill going into the committee; but he should make a motion, that the committee should be instructed to limit its duration. He thought that he had a right, from what had been proved by the returns on the table, to assume that a great part of the mischiefs which had been described were attributable to the supineness of the government during the year 1818; and he also thought, that if the present distresses

were great, they were aggravated to a greater degree than really existed, with a view to justify the measures upon the character of which he had so repeatedly spoken. If this were not the case, why were their lordships told that these measures were absolutely necessary to be adopted, and that measures of conciliation would be of no possible avail? Had this spirit been acted upon throughout? Had not his majesty's ministers yielded to arguments in favour of conciliation, the force of which they were in the first instance prepared to deny? That clause in the misdemeanor bill for limiting the period during which a prosecution could be brought against an individual to one year, was, in his opinion, a concession of infinite importance: it at once relieved the subject from the incertitude in which he must exist under the previous state of the law, which empowered the attorney-general to suspend a prosecution over his head to an indefinite period. A few years ago, when a similar concession was demanded, they were told they were asking for that which was in direct opposition to the prerogative of the Crown; and yet, within the last few days, this doctrine had been exploded, and the prerogative of the Crown on this subject, if it had ever existed, was abandoned by the ministers of the Crown themselves. With respect to another bill which had been before that House, and which contained the monstrous provision, that a person convicted of a second political libel should be transported for seven years—a provision which both himself and other noble and learned lords had laboured in vain to have excluded, and which the House had at length decided in deference to his majesty's ministers, was a provision which was absolutely necessary. After their lordships House had been dragged through the mire for the purpose of attacking a most obnoxious punishment to political libel, in what state was the bill about to be returned to them? It was about to be returned to them with that obnoxious clause expunged, and this, too, by the concession of one of those ministers by whom it had been introduced. He was happy therefore to perceive that ministers were at length, and in some respects disposed to conciliate. That disposition had been tardily evinced; but "*Dum vita, spes est.*" He believed that, by judicious conciliation, the spirit of discontent which prevailed in the country might yet be altogether subdued; and he was happy to find that in another place, a first effort of this description had been made. He had seen that, in the other House, leave had been given to bring in a bill upon that question of parliamentary reform, to which the noble lord opposite never heard any allusion without dismay. Leave had been given to bring in a bill to destroy one of the most venal and corrupt boroughs in the kingdom, and to transfer its right of representation to one of those populous towns which had hitherto existed without that advantage; and this too, he was told, for he had only read it in the reports, was a concession which had been made by one of the ministers of the Crown. Upon the question of parliamentary reform, he hoped he might be permitted to say a few words. He thought it was intimately connected with the state of public feeling at this moment. He had long been a member of parliament, but he was not aware that he had ever given a vote on this question; if ever he did, he was sure he must have given it against any general question for a reform of parliament. He was far from thinking that any part of the difficulties that existed in this country were to be ascribed to the construction of the other House of Parliament: still less did he believe that any of those difficulties could be removed by a reform of any description. It appeared to him, that the excellencies of our constitution consisted in its anomalies, all descriptions of persons who were at all essential to public business finding their way to the House of Commons; ministers and their opponents, financial man, lawyers on each side, all found their level in the House of Commons, and any ill consequence from the ambition of individuals was thus prevented. As to war, he was satisfied that were the House of Commons more popularly elected, there would still be a greater disposition for war than that House had hitherto displayed. He had read upon this subject an article of considerable merit in a number of the Edinburgh Review, about two years ago, in which it was plainly demonstrated that the great practical excellence of the British representation arose from its diversity; and that if we adopted any one system of general representation, it would be found defective in its result, inasmuch as it would give excess of power at particular times to particular interests. The great practical benefit of a constitutional

parliament, as it now stood, was, that it placed the talent of the country upon an equal footing, and the ministers of the Crown were at all times met by persons of equal ability, in whatever course they might think proper to proceed. This principle, he trusted, would ever be most studiously preserved. But while he entertained these feelings on the subject, and while he did not wish to advocate any specific principle of change, still he could not extend this principle so far as not to feel the necessity of admitting, that where they found any parts of the constitution practically bad, it was their duty to proceed to the amputation of such tainted parts. In this view, he conceived that if a system of corruption were found to exist under local circumstances, it would be wise to transfer the right of representation to some of those great commercial towns which had hitherto been excluded from that right. To that extent he was willing to concede; and he believed that this was the true spirit of conciliation which was calculated to suppress the discontents of the people. It was temperate, and it was all they could rationally ask for. It was peculiarly worthy of remark, that this important concession had been made by one of his majesty's ministers; and from that he was induced to come to the conclusion, as he had said before, that the discontents which prevailed were more the consequence of bad government than of any other definable cause. He had now only to say, that if the situation of the country really demanded the adoption of these measures, his motion would only go to limit the necessary duration of this bill. If the bill went into a committee, he should move, that its duration should be restricted to the 1st of July, 1822.

Lord *King* said, that every thing he had heard from the noble viscount tended to confirm his objections to the bill. He objected to it as part of a system of coercion of the very worst nature, the effect of which was to alter the constitution of the country, without even the formality of an examination. After the speech from the throne at the commencement of the session, in which parliament were told that it had been necessary to make a large addition to the military force, and in which the existing distresses and discontents had been so strongly insisted on, he had expected that ministers would come down to the House, in order to move for a committee to inquire into the state of the country, and the propriety of adopting the measures which they considered necessary for its protection. To his surprise, however, he found that the general practice of parliament was in this instance to be departed from; that no committee was to be appointed; and that ministers having committed themselves by a rash approbation of the transactions at Manchester, were resolved, upon that account, to prevent parliament from the exercise of one of its most important and necessary functions. The fact was, that it was impossible that any examination could take place without their conduct becoming a subject of reprehension. If a disease was of such a nature as to require a strong remedy, he thought it was first incumbent to examine the patient, and to see to what extent that remedy should be applied. When their lordships were called upon to pass such bills on the ground of the prevalence of discontent, they were bound to inquire into the cause of that discontent; they were bound to inquire whether it had its origin in the distress of the people, or whether it arose from their distrust in parliament itself? If it arose from distrust, the passing of such measures by acclamation, and merely on the notoriety of the case, was calculated to aggravate the evil, by furnishing new proof of the subserviency of parliament. It was possible that strong measures might be necessary, but they could not be necessary without examination, and without the accompaniment of a conciliatory spirit on the part of government. He was glad to find that some concessions had been made, but it was to be observed that they did not originate with ministers, who so far from manifesting a disposition to conciliate the people, had taken advantage of the panic into which the country was thrown, to alter the constitution. One of the greatest dangers existing at the present day was this disposition of the government to adopt measures of severity and coercion. The ministers had forgotten or confounded the distinction between a free and an arbitrary government, which was, that the one rested on conviction and affection, while the other relied upon the strong arm of force. If they acted on the *bona fide* intention of protecting the constitution, they would pass those measures as a temporary experiment, and limit their operation by the extent of the danger. In his opinion, even a stronger measure would

be less objectionable, if confined to a limited period. To abstain from taxation was, after all, the best mode of restoring tranquillity, and therefore he should vote with his noble friend, for limiting to the shortest possible period the duration of an act by which the constitution was violated.

The Duke of *Athol* declared it to be his firm persuasion that the situation of the country was most dangerous—a circumstance which he thought was mainly attributable to those scandalous libels which had found their way into every part of the kingdom. It was the duty of parliament in this state of things, to exercise their wisdom, in adopting measures calculated to meet the evils which existed. Upon such measures only, did the salvation of the state depend. On the first division which had taken place in that House on the address to the Prince Regent, the overwhelming majority by which that address had been carried, in his humble opinion, justified the apprehensions which had arisen in the public mind; and the subsequent overwhelming majorities upon the measures which had followed that address, confirmed him in the wisdom by which those measures had been dictated. He was glad to perceive the facetious spirit with which a noble baron attended to his speech; but though he had great respect for the talents displayed on that bench, he might say, that the measures to which he alluded had been approved of by men as wise and as constitutional. He had never interrupted the noble baron, and therefore he hoped the noble baron would not interrupt him. He firmly believed that the measures which had been brought forward by his majesty's government had already produced a most salutary effect, and had tended greatly to diminish the mischievous spirit which was abroad. They were measures which had been called for by the country, by the parliament, and particularly by that House; and ministers, in obeying the call had done their duty, and he hoped would continue to do so until all was accomplished which the situation of the country required. Whatever differences might exist upon other points, they were all agreed in one view—that the constitution of the country ought to flourish, and to be handed down unimpaired to posterity. The noble lords who had proposed to limit the act to two years instead of five, had, by declaring that in such a case they would have no objection to the bill, admitted that the other clauses were not so objectionable as was sometimes represented. He thought, however, that two years was too short a period, and that there would be much inconvenience in being obliged to fight the battle over again at the expiration of that time, if the circumstances of the country should require its re-enactment. He believed in his conscience that the recent effusion of British blood which had unfortunately taken place, was owing to the want of such bills. The prevention of the meetings at Manchester, Glasgow, and Paisley, was owing to their adoption, and he trusted the time was gone by when the enemies of the constitution could hope to intimidate the government. That the alarm was not unfounded there was sufficient proof; and he hoped that when the flame was extinguished by the operation of these measures, some course would be taken to relieve the distress which was unhappily too general throughout the country.

The Earl of *Morley* regretted that that unanimity which was never so absolutely necessary as it was at the present moment, in consequence of the dangers by which the country was surrounded, did not seem likely to be procured. Facts had been falsified in a manner the most unprecedented, and the characters of magistrates acting on the purest principles, had been assailed by calumnies as gross as they were unwarranted. Many had censured the conduct of the magistrates at Manchester as intemperate: many had censured it as illegal; and not a few had condemned it as originating from the influence of fear. The illusion, however, which had blinded the minds of the people was now however, fast dispersing, and the idea of any impropriety of behaviour on the part of the magistrates would soon be abandoned by men of all parties. This was partly occasioned by that amelioration which had taken place during the progress of these bills through the House, and which was mainly attributable to them. They had been called bills of severity, bills of violence, bills of coercion. Now, he would just call the attention of the House to what they really were. The first of them was the bill against military training, which was already an offence under the existing laws: the second was a bill for the search of arms, which the state of the country rendered absolutely necessary: the third related to the law of tra-

verse, and was of such a nature that his noble friend opposite had declared, that he thought it upon the whole an amendment of the old law: the fourth related to the prevention of tumultuous and seditious meetings; and he would ask whether this was a time for such large meetings as had been recently witnessed—meetings of fifty or sixty thousand persons, assembled together by itinerant orators, meetings which had no parallel either in ancient or in modern history, and which were calculated for any purpose rather than the purpose of calm and tranquil deliberation.—A noble earl who had spoken before him had passed high encomiums upon our unpaid magistracy; but in the objections which he had made to the authority given by this bill to them, he had both done and said much to their disparagement. Happily for this country, its magistracy was of such a character, that no persons could be more safely entrusted with discretionary power. The noble earl had also misunderstood what had fallen from the noble viscount. The noble viscount had never said, that the bill ought to be re-enacted at the end of 5 years, whether or not circumstances should be such as to require it: but whether it was to be so re-enacted or not, it was of importance that the industrious part of the population should not be kept in a state of perpetual alarm by the machinations of those who were so frequently calling these turbulent meetings. The measure might, in some respects, be contrary to the spirit of the constitution; but there were cases, and he thought the present was one, in which all theory was bound to yield to dire necessity. The principle of vitality was, however, so strong in our constitution, that he did not entertain any doubt of the evils under which the country now laboured being soon surmounted, and of our again enjoying that tranquillity which we were entitled to enjoy, from the success of our arms, the civilization of our people, and the excellence of our laws and general institutions.

The Earl of *Donoughmore* declared, that though he was glad that the country was to be afflicted by this measure for a shorter period than was at first proposed, he must object to it both as a part of a whole, and upon its own demerits. If it did not absolutely take away one of the most important rights of the people, it certainly limited and narrowed it considerably: it vested in the ministers of the Crown, or at least in those whom they appointed, the right of calling all public meetings, which was the next thing to taking away that great constitutional right altogether. The people had not been convicted before either House of parliament of any such offence as to demand so severe a punishment. But supposing the facts proved relative to the meetings at Manchester, and in the other northern counties, was that a sufficient ground for divesting every subject of the realm, from one end of it to the other, of the most valuable constitutional right which they inherited from their forefathers? He said to their lordships, "No." The noble viscount who had opened the debate had taken every thing for granted: he had said that every noble lord was convinced of the existence of the evil, and of the necessity of repressing it; and therefore that he would not trouble their lordships with any argument upon it. Now, he would tell the noble viscount, that he, for one, was not conscious of the existence of the evil. But even if he was convinced that the evil did exist in England to as great a degree as was stated, and that the present measure was calculated to repress it, he must be allowed to ask why it was to be extended to Ireland? Ireland did not deserve these severe measures. Was there any proof that the people of Ireland had sinned in any way against the constitution. But even if there was such proof, still he should say, that these were not the remedies which fitted her condition. Ministers had of late been in the habit of panegyrising his unhappy country, and as a proof how well the panegyric was deserved, they now introduced pains and penalties to follow it. Now, the inhabitants of that country must have acted either rightly or wrongly; if they had acted rightly, they did not deserve to be burthened with enactments like these; if they had acted wrongly, these were not the enactments to produce their amendment. He did not, however, object to the bill now before the House, solely because it was bad in itself, but also because it came in bad company. It was part of that system which had lately been introduced into the two Houses of Parliament, and by which both of them had been polluted. It was part of a whole system of coercion—of a systematic restriction of the liberties of the people. The country was first frightened by an exaggerated statement of dis-

affection; the most watchful centinels of the constitution were thrown off their guard; and in this state of things ministers came down and proposed the severest measures, without even a pretence of inquiry into the circumstances which called for them. They brought forth witnesses of their own, whom they would not allow to be cross-examined, and had prevented other witnesses from being called forward to contradict the garbled, imperfect, and anonymous statements which they had put forth to deceive the public. In short, ministers had selected such evidence as best suited their purposes; and without allowing the slightest investigation into its character, had proceeded to pass bills of pains and penalties. He felt bound to object to the introduction of a system of coercion without any appearance of legal proof of its necessity. He objected to the unsupported statements laid before their lordships, but he objected to them the more because they came from ministers. A still stronger ground of objection was, that these measures were introduced by ministers in order to protect themselves—they wished to show that they had not been asleep upon their post in the hour of danger. But he must say, that if ministers had wisely and properly exerted the power vested in them, the evil might have been prevented; it might have been stopped before it got to the pitch to which, according to their own statements, it had now arrived. If in times of difficulty ministers, from fear, or from any other motive, neglected the duty imposed upon them for the purpose of putting down disaffection, was it proper that they should be allowed to turn round and claim the assistance of parliament? Were they to allow the vessel to get into a sinking state, and then to cry out for assistance? Were they to be permitted to say: "The laws are inefficient; we can do nothing with them; we have done nothing; we now therefore shelter ourselves behind parliament, and call upon it to support us by passing bills of pains and penalties, in order to control the people." Were they to be allowed to do this without any inquiry into, or censure of their conduct? What were their lordships to think of the attempts made to arrest Harrison at Smithfield, and of the dispersion of the Manchester meeting? Were their lordships not bound to suppose that government were anxious to produce riot and disturbance, in order to give countenance to their measures. Was it possible that such a state of things could uncontrollably exist in a civilized government? Was it possible to suppose that such practices could be carried on with impunity in the metropolis, and immediately under the eye of government? Could it be imagined that meetings, said to be seditious, should be allowed to be held, bearding the constituted authorities, and subverting the peace and order of society; and this without any timely attempt at prevention on the part of ministers? Was it a want of energy which caused this—was it a want of experience? No. Why then were there no exertions made to prevent such meetings, unless there was a motive for it; unless these meetings were to be made a pretext for the introduction of measures of coercion and restriction? From the manner in which the bill was drawn up, it evidently was not the intention of the original framer of it to include Ireland in its operation. There were directions how it was to be carried into execution in England and in Scotland; but not one for the manner in which it was to be executed in Ireland. But on reconsideration ministers were of opinion, that though there was no necessity to include Ireland in the bill, yet they might as well make one business of it, and throw the whole empire into their system of coercion. He wondered, indeed, they did not include the remote dependencies of the Crown, as well as the more immediate parts of the empire: they had just as much right to do the one as the other. To include Ireland was merely for the sake of insult—it could be for nothing else; for in the state and character of Ireland there was nothing to which this bill could be at all applicable. The Irish, indeed, knew how to plan rebellion much better than the English; the latter had large meetings and paraded the streets with flags and music: the former had private meetings, secret committees, and associations of a nature which he should not describe, as the noble lord opposite knew them very well. It almost appeared as if it was the noble lord's intention to teach the radicals how to do this business—to show them that it was not by marching in large bodies in military array, and in the lock-step; but by proceeding in conclaves of fifties—aye, or even of twenty-fives, for that number in his country had been found effective.

The Earl of *Harrowby* reminded their lordships, that the question now before them was not on the principle of the bill, but whether they should go into a committee, where its provisions might be discussed. It was pleasing to see that the objections of the noble lords who had opposed the measure applied rather to the date of continuance than the nature of the enactments. But the objections stated by one noble lord to the principle of the bill, and by another noble lord to its duration, rested on the same basis. One of those noble lords said, "I cannot agree to the enactments of the bill, because it is a bad bill;" and the other said, "I must have its operation limited to two years, because it is a bad bill." If it was a bad measure, he called upon their lordships not to pass it at all. This measure did not come before the House like another that had lately received the sanction of parliament, as an invasion of the constitution, and therefore enacted only for a duration commensurate with the period of necessity on which its justification rested It came before their lordships, not as an infringement of long enjoyed privilege, nor as a curtailment of the rights of Englishmen—not, in short, as having any thing in its nature opposed to its perpetuity; but it came before them as a temporary measure, because, though framed to protect rather than infringe the constitution, it contained provisions new to the late practice of the country, and therefore requiring to be brought under the review of parliament at no distant period, when their operation should be known. The noble earl had contended, that the right of meeting ought to be subject to no restrictions; but in doing so he had gone a little too far, and had destroyed the consistency of his speech; for in a subsequent part of his remarks, he had found fault with ministers for not having used military force to disperse those meetings which were said to be seditious ["No," from the earl of Donoughmore.] He was sorry to have mistaken the noble earl.

The Earl of *Donoughmore* said, that he had found fault with ministers for not having taken the necessary steps to prevent meetings of a seditious nature.

The Earl of *Harrowby* continued—He was sorry to have mistaken the noble earl, but what he admitted was sufficient for his argument. The noble earl, then, found fault with ministers for not preventing these meetings. There could be no doubt about the right of the people to petition the legislature, or to carry their addresses to the foot of the throne; and, therefore, there could be no doubt of their right to assemble, so far as was necessary, to agree to their petitions or addresses. This right was usually grounded on the Bill of Rights, but it existed long before. This provision in the Bill of Rights which asserted it, was made to meet a particular case, that of the Seven Bishops who had been persecuted for petitioning; whereas the right of petitioning had always existed; it was grounded on no concession; it originated in no statute; it was founded on the principle that no man ought to be restrained from that which was not prohibited, and that what was not forbidden by law was lawful. The bill before the House imposed no restrictions on the legitimate enjoyment of the privilege; it only regulated the meetings at which it was to be exercised; but the noble lord objected to its duration, and wished to limit it to two years, *ornandum, laudandum, tollendum.* The discussion of public measures at public meetings, he was willing to allow, had been one main cause of producing that manly character, and fostering that national spirit, to which our greatness, our prosperity, and our glory, were owing; but how were these meetings originally, and up to a very late period, composed? Had our rights been asserted and our laws defended by such meetings as those of Manchester, of Spa-fields, or of Smithfield? Was it by assemblies of that sort that the sense of the country had been taken in any of its glorious struggles? No; they were unheard of till the beginning of the long train of revolutions that we had lately witnessed. Great meetings on public affairs began about 1779 or 1780. At no period were meetings more common than then to address the throne or to petition the Houses of parliament on subjects of national interest. The first great assembly of this kind took place in Yorkshire, and it was mentioned by sir G. Saville in the House of Commons, and the marquess of Rockingham in this House, that the rental of the 600 requisitionists who called it amounted to 800,000*l.* But was that meeting held in the open air, and attended by all persons who chose to attend it? No. It was a county meeting, called by the sheriff, and attended only by freeholders. What was the nature of the meetings to which Mr. Fox addressed himself in West-

minster? They were meetings of householders paying direct taxes to government, and convened by the constituted authorities. Such were the assemblies of the people that formerly conveyed their wishes and prayers to the throne and to parliament, before the present mode of assembling was practised. In contending thus against meetings like those of Manchester or Sheffield, did he wish to deprive the class of persons who attended such assemblies of the means of expressing their opinions? No certainly. Neither did the present bill prevent them from meeting to express their ideas of public matters, and to convey their petitions to the throne or the legislature, if called together by the lord-lieutenant, the *custos rotulorum*, the sheriff, the grand jury, or five magistrates. It was stated in objection to this, that those officers were appointed by the Crown, and might oppose a meeting to petition against the conduct of the advisers of the Crown; but it ought to be recollected that the meetings formerly held to petition against the measures of government were called by the same constituted authorities with whom the power of convening them was lodged by the present bill. It had been made a strong objection to this measure, that one justice should have it in his power in certain specified circumstances, to dissolve a meeting legally convened, and attended by those who had a right to call it. But that provision applied to such meetings only of which the giving of notice was necessary (which was not the case with meetings called by the constituted authorities); and even at these there must be language of a seditious nature used before the magistrates could interfere to arrest the person; and resistance offered to the arrest of the person, before the meeting could be dissolved. Resistance must be offered before the meeting became unlawful; and after it had thus become unlawful and riotous, it might have been dispersed by the existing law. But the noble earl objected to the bill, because the necessity for such a measure was not made out by sufficient evidence. The noble earl said that it rested on the unproved assertions of noble lords on the ministerial side of the House, and on the authority of the documents on the table. He did not admit that this was all the evidence. But if there had been no one paper brought forward, still he maintained that it only required eyes to see and ears to hear, in order to be satisfied of the danger which existed. Unless people were wilfully deaf and blind to what was passing around them, they must feel the necessity of resisting and putting down the disaffection which was fast spreading through the country. Was it not notorious that meetings were held in many places, which threw the whole neighbourhood into confusion and alarm? Was it not notorious that two counties on this account were nearly in a state of siege? Was it not notorious that thousands had assembled in military array, under leaders, with flags and music? Did it require any documents to prove these facts? Documents might have been produced; but it was needless to prove to their lordships facts which were self-evident, and on which their lordships could not feel a doubt. He was sensible these meetings took place with the professed object of petitioning, and he was not disposed to deny or undervalue the right; but had British subjects no other rights to protect equally valuable? Was the security of our lives and property to be regarded as nothing? Why did we surrender any of our natural rights but to obtain the blessings of society in the safety of our lives and property? Had not every British subject as much a right to protection as some claimed of petition? But could we be safe if these numerous and menacing meetings were allowed to go on? Could the government maintain one army at Manchester, and another at Glasgow and Paisley; and were those who objected to military establishments to be the individuals who would oppose a measure without which our military power must be increased? It had been stated by a noble lord in a previous debate, that a great change had taken place in the state of this country during the last 50 years. It became their lordships to consider what that change had been with a reference to the policy of this bill. In the year 1750, the whole population of the country did not exceed 7,000,000 of souls. Lancashire alone now contained 1,500,000. In 1750, Lancashire contained only 300,000 inhabitants: the manufacturing population of the hundred of Salford, inclusive of the township of Manchester, now contained upwards of 300,000, or as many inhabitants as the whole county about 70 years ago. In the west riding of Yorkshire the manufacturing population amounted to more than 1,000,000. Let their lordships consider

of whom this population was composed. It was composed of persons whose labour was expended in the production, and whose subsistence depended on the disposal of manufactures, the value of which might be affected, and the sale of which might be interrupted, by a variety of causes over which government could have no control. A change of fashion or the caprice of a foreign state might ruin or throw out of employ whole classes of manufacturers. This tendency to fluctuation had been much increased by the use of machinery. Formerly, if an order came from abroad for a great assortment of manufactured goods, it would have required six months to execute what could now be done in so many weeks in consequence of the perfection of our machinery. These fluctuations were the cause of great distress; and distress and disaffection were often nearly allied. There were instances of disaffection where little distress was felt, but in general they were joined. Unless, therefore, there was some restriction imposed upon the right of holding public meetings in places where the population was crowded, and where the employment of the people was liable to great vicissitudes, these could be no safety or security. The noble earl had charged this measure with being a part of a system by which the constitution was invaded, and had said that it originated in the design of ministers and of parliament to trench on the liberties of the subject. But how was the charge made out against ministers? The army had been reduced as much as was desired by the greatest enemy of large military establishments; at least, he had a right to presume so from no motions being made for a farther reduction. In no other case could it be proved that parliament had shown a disregard to the wants or interests of the people. This sort of general accusation against ministers and parliament had assumed a serious aspect, and ought to be discouraged, from the effects which it might produce. What prepared the riots which took place in 1780? They were produced by telling the people that neither government nor the legislature would attend to their complaints. This language was held in the beginning of April, and in June parliament was itself treated with disrespect, insult, and violence, by a riotous mob, and on the following day the city was set on fire. Had such a bill as that now before the House been then passed, these melancholy events would not have happened. For want of preventive laws, such calamities were experienced. The bill allowed all the meetings which in the best times were allowed, and only prevented those that created alarm, or threatened the public peace. Neither he nor any of his majesty's ministers wished to put an end to fair and free discussion. If any subject arose, on which the public might entertain a wish to meet, for the purpose of discussing its merits, the provisions of this bill gave them an ample opportunity of doing so. No unfair restriction, no unjust opposition, was called into action, in order to destroy the privilege of meeting. It should be recollected, that the provisions of the bill were not applicable to meetings in rooms. In former times, with the exception of riotous and tumultuary assemblages, every expression of public feeling emanated from meetings which were never too numerous to be included under the roof of a building. If the public desired to meet for the purposes of fair discussion, the provisions of this bill would be highly favourable to that object, by preventing the congregation of numbers so great as to render all discussion impracticable. He agreed with the noble earl, that if this bill would have the effect of putting an end to public meetings, if it essentially interfered with that great popular privilege, if it prevented the people from expressing their feelings in a just and constitutional manner, it would be highly objectionable, and might lead to the worst consequences; because if those fires were not permitted to blaze above-ground, they would, perhaps, occasion a dreadful explosion. But the right of meeting was not prevented. Those who meant well could still assemble at parish and county meetings. Those only who wished to meet for bad purposes, would be affected by the bill. The noble earl stated, that that part of the empire to which he more immediately belonged, was perfectly free from any taint of disaffection—that the people there were perfectly quiet. He did not doubt the correctness of this statement. He would go farther. He was ready fairly to admit, that the conduct of the great mass of the population of England had been most excellent, most praiseworthy. He conceived that the exemplary manner in which they had undergone the greatest privations—privations that were rendered necessary for the good

of the state—entitled them to the utmost gratitude. But, because he thought so, he felt it necessary that the protecting arm of parliament should be stretched forth to shield those parts of the country which were not yet assailed by the principles of disaffection, from an evil that otherwise would reach them. Had Cornwall, or Devon, he would ask, been disturbed? Certainly not. Yet, upon the principle laid down by the noble earl, they ought to be excluded from the operation of the bill. Was it possible for their lordships to say, that this, which was intended to be a preventive measure, should be marked out for, and confined to, particular counties and districts? What would be the consequence? It would be this—that the principle of disaffection, when put down in one place by the operation of the bills, would speedily arise in another; and thus they would be called on to legislate over and over again. He should be extremely sorry to make any difference or distinction with respect to the operation of this measure. He thought every part of the country entitled to the same degree of protection from government. Their measures intended for safety and security, ought to be alike extended to all. It was for the legislature to render their measures effectual; and, with that object in view, they could not exclude counties situated on the other side of the Channel, because they were not visited by tumult and disaffection, more than they could, for the same reason, exempt districts on this side of it from the operation of the measure. He hoped their lordships would pass the bill in its present state. He did so, because he felt that, so far from its being part of a system of coercion, it was, in fact, part of a system of protection. It was introduced, not with reference to any body of men, or to any district, but for the good of the entire country, of the whole community. It was introduced in behalf of the quiet, peaceable, and loyal inhabitants of the country, who formed the infinitely greater portion of our population. Not alone would he have the bill passed for the safety and security of the quiet, peaceable, and loyal; he would also have it passed for the sake of those very men, against whom, as the noble earl asserted, it was peculiarly directed. He would pass it, that those persons might be deterred from adding to their own distress by debating on political topics, when they should be attending to their business; he would pass it, that such persons might be deterred from attending meetings in such vast numbers as rendered it necessary to call out military force in order to assist the civil power. Although it might be the duty of government sometimes to call out the military force, it was, he would declare, a most painful duty; for he could assure their lordships, that the present government was as unwilling to recur to the employment of a military force, if they could possibly avoid it, as their ancestors were. But if it were found necessary to use that force, if the exigencies of the time demanded it, he trusted government would not be deterred, by attacks from any quarter, to do their duty firmly and vigorously, for the decisive and vigorous protection of the state, and the constitution of the country. He felt that the system of coercion, as it had been called, unjustly as he conceived, had already produced a very good effect. The measures which had been submitted to parliament, had wrought much benefit to the country. He believed that popular discontent was fast subsiding; but that it would subside within the short period to which the noble earl wished the bill to be restricted, he was not sanguine enough to suppose. He was firmly of opinion, that the House would protect themselves and the country from some of the greatest dangers by which a kingdom could be visited, if they passed this measure. Many persons revolted at the idea of a military despotism. The fear was groundless, because, if a military force was employed, it was in defence of the laws, and not with an intention of destroying them. But even military despotism was better than the despotism of a mob. The despotism of the mob was in itself worse than military despotism; in addition to which it invariably led to military despotism. If anarchy were allowed to prevail, that anarchy must end in arbitrary government. If, therefore, life and property could be secured only by an arbitrary government, it would be better to go to it by a direct, than by that dreadful road, to which the path that led to the gates of hell was alone superior in horror. But he was persuaded that to no such danger would the proposed measure tend. It would merely aid the executive authority in the suppression of that evil, the continuance of which was utterly incompatible with private happiness and public order. It was a love of rational freedom which prompted him to support

this measure, because he wished that rational freedom to be guarded by the arm of the law; and as the law now stood, it was not sufficient to ward off the danger by which the country was threatened.

Earl *Grosvenor* said, he should be obliged to detain their lordships longer on this occasion than he had done during the progress of other measures connected with the present through that House, because he conceived the bill of infinite importance, tending as it did to a radical alteration in the frame of the constitution. The noble earl near him who had so ably exposed the true character of the measure under their lordships consideration, had called on the noble lords opposite to exempt Ireland from the operation of this act. That country had been represented by ministers, and by all who had delivered their sentiments on this subject, as being in a state of perfect quietness; and therefore he thought it should not be affected by such a measure. But the noble earl who had just sat down, declared that the bill was a favour and a boon to the people of Ireland. How far he would extend that favour and that boon, he could not say. Was it to be extended to the settlements abroad? There were one or two places to which perhaps ministers might suppose the favour would peculiarly apply. Would they extend it to the Cape of Good Hope, to which they were exporting so large a proportion of the population of the country? Would they also extend it to the inhabitants of Botany Bay?—A noble duke had congratulated himself and those around him, on the overwhelming majorities by which the measures of ministers were supported. If great majorities always proved the truth, then indeed would the excellence of the system now introduced be decidedly made out, and ministers might be considered as the best and wisest of all human beings. But in the course of his own experience he had found, in one or two cases, that positions, supported by overwhelming majorities were in the course of six months afterwards overturned by majorities as overwhelming. Therefore he inferred, that great majorities were not always an undeniable proof of the excellence of measures; and he doubted very much whether, in this case, the large and overwhelming majorities by which ministers were supported would be a satisfactory answer to those who viewed the measures under consideration with distrust and suspicion. The noble earl rejoiced in the effect which the introduction of these measures of coercion already had throughout the country. He stated his belief that it was owing to them that the late meeting at Manchester passed off without mischief. He felt very differently. In his opinion, those measures were likely to excite discontent—to excite a strong feeling of indignation in the minds of the people, instead of producing good humour and quietness. The noble lord spoke of an army at Manchester—he spoke of an army at Glasgow; but if a military force were thus employed in every part of the country, must not the inference be, that these meetings were put an end to by violence, and not by the operation of the law? Instead of curing the evil, would it not render it necessary to keep on foot, in a time of peace, still more immense armies? It was not by measures such as these — it was not by means of violence and oppression — it was not by employing large armies — that the people would become quiet and contented. It was by measures of conciliation, and not by acts of violence that the affections of the people were to be won. Those who proceeded in a different course would, in the end, perceive that it led to results very different from those which they expected. The noble earl had adverted to the French Revolution—a subject perhaps too much touched upon in their lordships' debates. If that event could at all be quoted with effect, it went to prove that by timely conciliation, and not by violence, the feelings of the people were likely to be soothed. Previous to the French Revolution, meetings of numerous bodies of the people were prohibited; they were put down by force; and this was one of the causes which occasioned that great convulsion. The noble earl said, that meetings of disaffected persons had lately taken place to an extent that could not, without running the risk of great danger, be any longer allowed. Let their lordships, in answer to this assertion, look at the meetings in Yorkshire, and other places. They might there see that persons of large property, as well as those who felt the severe pressure of the times, assembled together. Did the noble earl really mean to say that meetings of this sort were never to take place? Did he mean to declare that persons of this description were never to be heard—that they were never to discuss points of grievance, except when

the meeting consisted of certain numbers? Were their lordships surprised, could they be astonished, at the meetings that had recently been held in Yorkshire, and in other districts, when they considered the impoverished state of the country? If the country was, as all persons must acknowledge, in a state of distress and suffering, was it not likely that persons who were affected by the pressure of the times, would meet in large bodies, for the purpose of petitioning? He differed from the noble earl in his opinion that it was not expedient that public meetings should in any case be attended by any but freeholders and persons of property. When the inferior classes were distressed, was it fitting that parliament should turn short on them and say, "No! you shall not meet, because you are poor! you shall not meet, because you are that portion of the people who are most likely to be distressed! you shall suffer, but you shall not have the privilege of complaining?" The people were now in circumstances essentially different from those in which they had heretofore been placed—they were oppressed by circumstances which formerly did not molest them. The mode proposed by ministers was not the fair way of meeting the circumstances of the time—it was not the just way of viewing the question—since the people were now in a situation that was never before thought of. He thought the power now vested in magistrates was quite sufficient for every useful purpose, while, at the same time, it was completely consistent with the rights and liberties of the subject. The bill then before the House did, on the contrary, fritter away the rights of the subject; and when it was passed, it was easy to see that no meetings would be called except such as would enter into resolutions complimentary to ministers. Democracy was unquestionably to be deprecated. But it would be well for their lordships to take care, that while they avoided the rock of democracy, they were not drawn into the whirlpool of arbitrary power. The increase of the military establishment was one of the most appalling features of the new system. They had at present an army of 20,000 men, which cost the country 4,000,000*l.* a-year, and to that force a large addition was about to be made. Were the finances of the country capable of supporting such a burden? Were not the finances, on the contrary, in such a state as rendered it impossible to bear this additional expense? Did not they see the yeomanry cavalry rising in all parts of the country? Were they not sufficient to preserve the peace, if a military force were at all wanted? Did not one troop of cavalry disperse the meeting at Manchester? It would be well worth their while to consider, whether the danger was not increased by the proceedings that took place in the north. He would not say much more, because he should have other opportunities of considering the general nature of all those measures; but he must observe, that he certainly was not one of those who approved of the system which was acted on towards the people,—a system which, throughout its whole progress, betrayed an utter contempt for conciliation. He was a friend to wise and salutary regulations, but not to such measures as those now proposed. They ought to take care that neither the ultra-zealous loyalist, on the one hand, nor the pestilent reformer, on the other, should be allowed to force parliament to the adoption of measures injurious to liberty. It was their duty to devise the best means for correcting any thing that was wrong in the frame of society: but they ought to be cautious and more especially with reference to the most valuable of our privileges, the freedom of the press, that, in rooting out the poisonous weed, they did not destroy the wholesome and valuable plant which flourished near it. He believed that no bad spirit existed in the country; he did not think that a bad spirit had been generated by political causes. He was of opinion, contrary to what many noble lords asserted, that an evil revolutionary spirit did not prevail throughout the kingdom. If he believed that such a spirit was in existence—if he imagined that a bad feeling towards the constitution was operating throughout the country, he would not be found debating about this bill or that. If a revolutionary spirit were manifested, he would at once endeavour to subdue it. In his opinion no spirit of the kind existed. On the contrary, it appeared to him that if there ever was a period when the minds of the people were more particularly enlightened than they ever before were—if there ever was a period when they were more deeply impressed with the purity of the great precepts of the Christian religion than they had ever previously been, it was the time at which he was speaking.

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He knew no case in which juries had not conscientiously performed their duty. The case of Hone had often been advertedto. He referred their lordships to that case, as a proof of the truth of what he asserted. The jury, he was quite convinced, viewed the pamphlets which that individual was prosecuted for publishing, as matters of a political nature, and therefore acquitted him of any intention to revile the Christian religion. Again, if they considered the case of Carlile, they would see that the jury acted justly. They decided as every religious man must have wished them to decide—as every honest man must have rejoiced that they did decide—against that individual. To prove still farther the feelings by which the people were actuated, he begged leave to mention the way in which a posthumous production, "The bones of Thomas Paine," had been treated in this country. The person by whom that vile experiment had been tried found that he had a little mistaken the feeling and the character of the people of England. Was there ever any subject treated with more laughter, contempt, and derision, than the introduction of those miserable bones—whether the bones of Tom Paine, or not, he would not undertake to decide. From every circumstance which had come under his observation, he had a right to contend, that there was nothing in the present state of affairs, that there was nothing in the feelings of the people, nothing in the frame of society which called for such bills as those which were now under consideration. Measures of this nature did not tend to the security of the subject, but gave rise to one general feeling of suspicion and distrust. Where was the danger that threatened the country at this moment? For his own part, he could not perceive where it existed. They all knew that mankind were surrounded with dangers. For instance, they could not tell but that meteoric stones might fall on their heads as they passed through the streets. They did not, however, on account of such a remote possibility, live always in a state of fear; neither would he consent that severe coercive measures should be put in force, because ministers were apprehensive of dangers from the ferment of popular feeling. He believed that there were dangers of another sort —dangers meditated against the constitution, which it would be well for the legislature to guard against. They were told of persons who wished to overturn the present state of things. Some of them were, in derision, called radicals. What he would ask their lordships, did the conduct of these people proceed from? It might be traced entirely to their distress, out of which discontent and dissatisfaction had naturally grown. There were various causes to which that distress might be attributed, although those persons declared it was entirely the fault of the legislature.—They stated that it would be peculiarly proper that the voice of the people should be more distinctly heard in the House of Commons. Then, they argued, there will be a better chance of real efforts being made for the benefit of the people, and that a reduction would be effected in the expenditure of the country, which was now weighing heavily on all ranks of society. He believed, if the wishes of the people were fairly met and considered, if their claims were attended to, instead of being opposed by measures of this kind, that the whole mass of the population would be conciliated, not even excepting those radicals of whom ministers appeared to be so much afraid. He was convinced that whatever danger threatened the country was not lessened by the events of the 16th of August.—It appeared clear to him, on the contrary, that the conduct of the magistrates on that occasion greatly increased the peril. When the meeting was dispersed, the people endeavoured to obtain legal redress, but they were in the end satisfied that they could not procure justice. Then came their last, their only hope, that justice would be done to them in parliament—that there their case would be sifted to the bottom—that there their grievances would be properly redressed. In that hope they were most grossly deceived: they were deceived because it was not found convenient for ministers to undertake such an investigation. He believed that if the transactions of the 16th of August were inquired into, it would be found that the whole was a matter of police—an affair that lay entirely between the police and the home department. It would be found that the persons employed by the police on that occasion, under what immediate direction he could not say, were the first to create tumult and alarm. What did the principal officer do on that occasion? He proceeded to execute his warrant, and when he came near the crowd that sur-

rounded the platform, which he described to be so close that he could not get through it, he immediately returned and called for military force; whereas he contended, that the officer ought, in conjunction with the constables, to have endeavoured to open his way to the hustings. He did not, however, struggle to get through the press of the people. He retired without making an effort, and then stated to the magistrates that it was necessary to employ military force. He could prove, if necessary, at their lordships' bar, that long after the removal of those unfortunate persons who were wounded and mangled on that melancholy occasion—and he begged to say that this was the evidence of those upon whom he could most implicitly rely—a large crowd collected round the hospital to which they had been conveyed, anxious to inquire as to the fate and sufferings of their friends and relatives; and whilst they so stood near the hospital gates, a party of yeomanry cavalry rode over, and injured many of them. Much exaggeration appeared to have discoloured the statements which their lordships had heard, relative to the many thousands of men who were said to have been under arms. He had the satisfaction, on the other hand, of stating to their lordships that a great number of county meetings had been held, at which resolutions had been agreed to, abundantly testifying the loyalty of those who subscribed them. As to these "loyal meetings," as they were called, they always appeared to him to be, to say the least, very insipid meetings, for those who did not join in the resolutions were considered as of course disloyal. They had the further disadvantage, that they were very impolitic things; as in the case of another set of resolutions—not that originally proposed—being carried by, as it might happen, "an overwhelming majority."—At a late meeting of this sort, certain resolutions of so very strong a character were moved, that it was found impossible to pass them; several others were proposed, and a gentleman observed, that the least which could be done with those who refused to support such loyal resolutions, would be to transport them; another gentleman declared that while he could not approve of those which had been first submitted, he was ready to sign any other declaration whatever. A noble earl had declared, that he felt less alarm at the "vultus instantis tyranni," than at the "civium ardor prava jubentium." For his own part he could not help observing to their lordships, that when they looked at our foreign allies, and remarked the close and near connexion which subsisted between this government and governments abroad, they must view with indignation and astonishment, and at the same time with distrust, the ingratitude of those powers who had promised, in their hour of adversity, a free and representative government to a valiant people; but who, in their season of prosperity, had forgotten to redeem their sacred pledge. What were they to think when they saw governments alarmed at the diffusion of knowledge, and hostile even to the practice of those gymnastic exercises in schools and villages, which had always been considered the best adapted to the improvement of the strength and spirit of mankind? What were they to think of our own government when they saw them assisting the court of Spain in all its measures of tyranny and oppression; when they looked at the horrible state of that devoted country, and saw her bravest patriots, with Arguelles at their head chained in dungeons and languishing in darkness? When their lordships beheld those brave and noble champions of freedom, of whom their country should have been proud to boast, and each of whose little fingers should have been more dear than the whole flesh and sinews of their oppressor, tortured by a man who had once so noble a part to take; and who might, in the moment of his restoration to the throne of his ancestors have given to his people a glorious constitution; when they beheld this close, this intimate connexion subsisting between him and his majesty's ministers; and, above all, when they coupled this last circumstance with the exertions made to pass the foreign enlistment bill, they could not but concur with him in thinking, that there was more of the "vultus instantis tyranni" in the government of the country, than of the "civium ardor prava jubentium" in the spirit of the people. But most especially when they adverted to France, the only free nation of the continent, and, as he feared, it would very speedily prove, in Europe, and found, that immediately upon the return of the duke de Richelieu to it from the congress, measures were adopted tending to destroy, or at least, to restrict the existing state of things there as regarded political liberty, it was impossible not to anticipate the

greatest dangers to political liberty. He would refer their lordships to some of the features which the internal policy of the government exhibited; to the attempts made for the renewal of the income tax; to the suspension of the Habeas Corpus; to the enormous military establishment maintained in time of profound peace; and particularly to one act, on behalf of one of its members, which had done more harm to the royal family than any other measure he could remember, however unadvised; and he would then ask their lordships, whether they were not far more strongly impressed with the "vultus instantis tyranni," than with the "civium ardor prava jubentium?" He had one word to say upon a subject of very deep importance—the distresses of the people. It had been always declared by the noble lords opposite that they were not to blame if the people were distressed. It was not less remarkable, that if any appearance of prosperity manifested itself in any part of the country, the same noble lords directly took to themselves the credit of it. Why, then, it was but reasonable to assume, that they, by their conduct, were the great causes of that distress. Time was, when the poorest class of the people brought home to their families, the honest and productive earnings of their daily labour; when that which had been acquired by toil was shared with joy; and when the industrious labourer might view with pride the comforts which rewarded his daily exertions. Those comforts, that subsistence, however, were now to be obtained by other means—means at which their indigent but manly ancestors would have blushed. It was impossible not to revert, in the contemplation of the general distress which pervaded so large and invaluable a portion of society, to those beautiful lines which Goldsmith in his boundless acquaintance with the feelings of the human heart, had so felicitously introduced in the "Deserted Village." He would beg their lordships permission to quote the passage; premising, that the mournful necessity under which so many of his countrymen had lately found themselves compelled to leave the country of their birth, was exactly imagined in them:—

"Ah no! to distant climes, a dreary scene,
"Where half the convex world intrudes between,
"Through torrid tracts with fainting steps they go,
"Where wild Altama murmurs to their wo."
"Far different there from all that charm'd before,
"The various terrors of that horrid shore."

* * * * *

"Far different these from every former scene,
"The cooling brook, the grassy-vested green,
"The breezy covert of the warbling grove."—

* * * * *

"Good heaven! what sorrows gloom'd that parting day,
"That called them from their native walks away;
"When the poor exiles, every pleasure past,
"Hung round the bowers, and fondly look'd their last;
"And took a long farewell, and wish'd in vain,
"For seats like these beyond the western main."

All this, he feared, was but the poetical anticipation of a scene which would but too soon be realised. He could not forbear adding two lines, which contained a precept, the truth of which was too unfortunately felt at this moment, to make it necessary for him to enlarge upon it;

"That trade's proud empire hastes to swift decay,
As ocean sweeps the laboured mole away."

When they heard of 300 wretched beings being "massed" together, as it was emphatically termed, in transports destined to distant and almost unknown shores; upon the uncertain chance of finding there the subsistence which they could not procure at home; and packed and "massed" like so many bales of indigo or tobacco, what were they to think of the government under which their misery had accumulated to such a height? Could they acquit ministers of all blame? Good God! they would not surely have the audacity to say, that it was brought on by Providence! No; it was brought on by the measures pursued by the noble lords opposite; the human means were to be found in their conduct. The sole escape for the vessel of the state, the only chance of her preservation among the rocks and perils which encompassed her, was in that moderate reform, which would advance and increase the purity, without endangering the health and vigour of the constitution. Before he sat down, he would observe, that the magistracy were now vested with powers, so increased, that he might say they reached to the farthest verge of the island; but he sincerely thanked God that there still remained to Englishmen, even when the Crown itself had enlarged its prerogative, one means, and one only, of legally resisting, to a certain degree, the power of the Crown;

by those means, he meant, not adverse force; not the sword, nor the dagger; but one small thing (in his idea, however, a most powerful one)—the influence of public opinion. It was that which, when arrested, compressed, and confined, would in its expansion carry all before it; it would break opposing bayonets and bolts, and bars to atoms; and still more powerful gold would vainly endeavour to restrain it. Let them heap Pelion upon Ossa, it would dash them in its struggles to fragments. If it held that national freedom was the right of a people, they would become rationally free; if it deemed that moderate reform was necessary, moderate reform would prevail; if it considered that abuses should be rectified, abuses would cease. All history proclaimed the triumph of public opinion. What, he would ask, put down the tyranny of James 2nd? A single shout, the echo of the public opinion, which resounded from Westminster-hall at the acquittal of the Seven Bishops. What accomplished the French revolution? Not, surely, the small handful of men who stormed the Bastile; but the sentence which public opinion had pronounced upon the tyranny of the government, the vices of the state, and the condition of the nobility. What brought back Napoleon Buonaparté from Elba? Was it any expedition, any armament? No, but some opinion; and what was that?—That after his restoration the king had sacrificed his sincerity; and, indeed, the French had reason enough to think so. Nobody could respect more than he did the king of France; but at that time he had been guided by bad advisers. The king of France had since acted in such a manner as all in his situation should do; and that circumstance alone had kept him on his throne: if ever he departed from those principles the loss of the affections of his people must prove his overthrow. For himself, he wished all nations to be free, whatever the consequence might be. If the liberty of France straitened our own means somewhat, or even detracted something from the glory of Great Britain, he should still be most happy at the event. The noble earl had been boasting that night of the course pursued by himself and his colleagues; of retrenchment of expenditure, of the abolition of sinecures. But it was to public opinion that any alteration of the system was owing. As long as ministers could resist public opinion, they had resisted it: among its warmest opponents were the noble and learned lord (whom he did not blame for the interest he took in the question), and the noble earl opposite. The abolition of sinecures, however, they coupled with pensions to an immoderate amount—a way of proceeding which considerably detracted from the merits of their retrenchment on the other side; for instead of effecting a saving of 280,000*l.* their pensions reduced the amount to between 30,000*l.* and 40,000*l.* What produced an alteration in the traverse bill? Certainly, it was not due to the noble lords, but to public opinion. In the other House, not all the great eloquence of the noble lord who had brought forward the Grampound business; not all the talents which had distinguished his conduct in that instance (and great, he understood, they were); not all the abuses in the elections which himself and his hon. friends had so forcibly described, would ever have caused any thing like a successful termination to their labours, but for the influence of public opinion, which his majesty's ministers must have felt. Even to those who advocated annual parliaments and universal suffrage, he would say, rest on your oars; if you are right, by public opinion you must succeed: if you are wrong, by public opinion you will fail; and then you must be satisfied with defeat. As to the subject of the distress which prevailed throughout the country, he well knew that a noble lord, in his eye, would turn round and say, "What we do for them, we do as a favour: we cannot help their distress; but we will extend to them our protection from plunder and outrage." Protection! Yes; such protection as Pizarro extended to the Peruvians: and as for plunder, he was not quite sure that they were not in almost as much danger in that respect from other quarters as from the radicals. There was not much prospect of increasing the property of those who already complained of burthens, by the additional expense of 10,000 additional men; and it was pretty clear that, so far from relieving those who suffered most, this expense was another tax upon those who had not yet experienced the same extent of distress. He begged leave to apologize to the House for the length at which he had detained them.

The Earl of *Westmoreland* called the attention of the House to the real question, namely, the object of the bill, which

he contended was no invasion of the privileges of Englishmen, or of the Bill of Rights, but only a regulation of the right of petition, although it had the misfortune of meeting with the severe disapprobation of the noble lord. After the many and able speeches which their lordships had heard, he should not detain them very long, but observe, that this bill was framed with a view of preventing those seditious meetings of which they had heard so much, and which were so greatly to be deplored. The effect of the humane principle of the present measure would be to disperse tumultuous meetings by the operation of the law, and not by force; and it was drawn with that care in its provisions, that no meetings which could reasonably be wished for, were prevented by its operation. There were none, if acting under constituted authorities, but what it permitted to take place, whether summoned by lord-lieutenants, sheriffs, or magistrates. With respect to the regulations of the bill, he defied the noble lord to point out any meeting that ought to assemble, which was prevented from doing so by the present enactment: it regulated those only that were calculated to excite intimidation and terror. He would not, at that late hour of the night, pretend to argue on the legality or illegality of the meetings that had already taken place. Independently of the statute law, he took it to be the common law of the land, that all meetings which gave terror and alarm to the king's subjects were illegal. It was no matter how the alarm was produced, whether by numbers, threats, devices or arms; still, if alarm was excited, the meeting was illegal, and it was in the power of magistrates to disperse it. This he conceived to have been the law of the land before any statutes were made on the subject. The first statute relating to public meetings was the 16th of Henry 4th, which declared, that all routs and riots were to be dispersed, and that the magistrates were to arrest the persons causing them; it went even further, for it inflicted heavy penalties on the magistrates if they were within reach, and did not disperse such routs and riots. The next act on the subject was that of Henry 8th, which gave magistrates the power to disperse riotous meetings by force and violence. This act lived till the time of Elizabeth, when it was allowed to expire. Its provisions, however, were renewed by the Riot act of George 1st, which was in fact nothing new; it only warranted magistrates to disperse riotous meetings by law, while formerly they did so at their own discretion: now the present law was simply to follow the course of former statutes, and to enable magistrates to disperse dangerous meetings by law; and its object was to save the lives of persons who might attend those meetings without knowing that they were unlawful. As to the duration of the act, he should not take up the time of the House in arguing on the propriety of not limiting it to a shorter period than that proposed. All he should say on the measure in general was, that it appeared from the communications of lord-lieutenants, justices of the peace, and others, that the country was in a state of discontent, disturbance, and alarm, and that his majesty's loyal subjects looked to government for protection. It had been said by the noble earl (Grosvenor) that these discontents proceeded from distress, and from the misconduct of government, and the noble earl had prescribed a simple cure for the evil; first, by an inquiry into the transactions at Manchester; secondly, by a change of measures; and thirdly, by a reduction of the army. He (the earl of Westmoreland) should briefly advert to the evil and to the remedies proposed. It was well known, that in those parts of the country where the most distress existed, the people were suffering with the greatest loyalty and patience. On the other hand, it did not appear to him likely that persons under the pressure of great distress could afford to pass whole days and nights in drilling; that they could afford to purchase seditious pamphlets, or that they could go about the country attending seditious meetings. This conduct surely did not indicate great distress; for he could not conceive how persons in a state of want could either have the pecuniary means, or the physical strength requisite for such proceedings. But allowing that it was distress—if such were the results, and that parliament saw capital withdrawing from the north and the west, was not that an additional motive for the interference of the legislature, to recal the people to peace, order, and loyalty, by dispelling the delusions that prevailed. But the remedy, forsooth, was an alteration in the frame of the government. Did they forget that the frame of that government which they would alter made England the envy and admiration of surrounding nations; that made the name

of an Englishman more respectable than that of the ancient Roman; that gave them the Bill of Rights — the Habeas Corpus act—and the proudest privileges of a free constitution? This would be considered at least a set-off against the noble lord's assertion, and would perhaps induce him to advance his proposition with some limitation. These privileges, notwithstanding all the clamour raised elsewhere, it now appeared, from the language of the noble lords opposite, ministers were entirely acquitted of any attempt to violate. Nay, these noble lords accused them of a dereliction of duty, not only because they did not institute more criminal prosecutions against the press, but because they did not, of their own authority, order the dispersion of all the large meetings which had taken place for the purpose of exercising the privileges conferred upon the people by the Bill of Rights. The next proposition of the noble lord was, that distress indicated misrule, and a misconstruction of the government of the country, and that therefore there should be a change of system. [Here lord Grosvenor interrupted the noble lord, and said he had never used the expression, 'a misconstruction of government']. He begged the noble earl would allow him to proceed with his argument, and when he had done, the noble lord would have an opportunity of explaining. This country was the first in the world for the employment it afforded to the labouring classes, and for the provision it made for the poor, and he would defy any person to show another country in which the security of property to the rich was so combined with the protection of the poor. These were his reasons for desiring the noble lord to pause before he proposed any alteration in the frame of the government. There were two periods within which it was proposed to review the conduct of ministers; the first with respect to what took place previous to the last prorogation of parliament, and the second, as to what occurred since that prorogation. The noble earl gave an historical detail of the proceedings of administration during each of those periods, maintaining that no censure could attach to them, as they had acted throughout, in concurrence with the opinion of parliament and the prescriptions of the law of the land. He ridiculed the idea that 48 yeomen at Manchester could have produced such an effect as was stated upon a meeting of 48,000 people at Manchester, observing that if this small band could have performed such an achievement it must have done more even than was ascribed to the warriors of Cressy and Waterloo. Those who complained of suffering at Manchester were, he observed, very clamorous for inquiry, and yet when it was proposed to bring the case of any individual to trial in the ordinary course, that individual traversed to avoid inquiry [hear, hear!]. But with respect to the parliamentary inquiry, proposed upon the subject of those transactions, he was satisfied that great injustice would have been done if such an inquiry had been acceded to; for there must have been one of two results, namely, either that the meeting would have been declared, and the magistrates and yeomanry consequently wrong, or the meeting would have been declared illegal, and the parties against whom bills had been found would be pronounced partakers, or rather leaders in that illegality. So that in the one case, the magistrates and yeomanry would have been liable to prosecution with a public declaration of the opinion of parliament against them, while on the other hand, Mr. Hunt, Mr. Harrison, and others against whom bills of indictment had been found would be brought to trial with the weight of a parliamentary denunciation to operate against them. It was clear then that the proposed inquiry could not have been gone into, as the result in either case must be so injurious to public justice, and however he disapproved of the conduct of Mr. Hunt or Mr. Harrison, he could not but wish as an Englishman that they or others should enjoy the benefit of a fair trial without any of that undue prejudice against them which was too likely to result from the authoritative declaration of a parliamentary committee.

Earl *Grosvenor*, in explanation, apologized for having interrupted the noble earl in the progress of his speech. He had never used the words "misconstruction of government." He trusted that he could not possibly be comprehended among persons wishing to disturb the frame of government; his only object being to promote such a reform in the system of the representation in the House of Commons as should make the voice of the people more distinctly heard.

The Earl of *Lauderdale* expressed his surprise and regret that the noble duke, who appeared to be in so much doubt as to the causes of the present state of the country, had not supported the inquiry, which would have enabled the House, as well as the noble duke, to ascertain the real cause of the existing evil. He acknowledged that he differed from his noble friend near him in thinking that the sinecures or pensions upon which his noble friend dwelt, formed any material cause of the present distress of the country. On this subject he would admit that a great deal had been done by the noble lords opposite. He would, however, assert, that a great and almost unparalleled distress did exist, and he would endeavour to point out its cause. If the noble lords opposite denied the existence of such distress, they would be stating that which would not be believed in the country. He maintained that such distress and privation extended over a great part of the land, and the real cause of that distress was to be found in the policy of the government which involved a departure from every sound principle of political economy, by allowing the national expenditure to exceed the revenue. The House had lately heard so much of the question of political economy, that he would not then enter into it, but would state generally, that it was impossible for any country not to suffer, whose expenditure had for a length of time been suffered to exceed its revenue. What was the state of the country in this respect under the system of the noble lords opposite? The excess of expenditure had been such, that from the year 1794 to the present period, an amount of debt had been imposed upon the country of no less than 670 millions. From the year 1794 to the year 1819 there had been a nominal debt contracted of from 700,000,000*l.* to 800,000*l.*; and if only 75*l.* was received for every 100*l.* of debt, it would be found there had been an extra expenditure of 670,000,000*l.* in that time; which if divided by 24 would give an annual expenditure of 28,000,000*l.*, besides the usual taxation. Now while this excess of expenditure was going on, an additional demand was created for labour, and when the excess ceased the labourers were left without employment. Through the additional demand for labour an increase of population naturally arose, and upon the cessation of this demand the country became liable to its present embarrassments. But the other nations of Europe had suffered also from the same cause, and their suffering produced an aggravation of our calamity. The natural consequence of a diminished demand for labour was a reduction of wages.—While the demand consequent upon the war prevailed, and the wages were high, the operative manufacturers generally worked only four days in the week, reserving the remaining days for relaxation; but when wages were reduced, they were compelled for subsistence, to work the whole of the seven days, and thus the produce of their labour was increased, while the demand for it was comparatively reduced. Hence arose another cause for the distress of the manufacturing classes. The whole of these evils, he maintained, arose out of the system which had been pursued by the noble lords on the other side. A part of them had been charged on noble lords at his side; for his part he felt no uneasiness under that charge, and he was convinced as little would be felt by his noble friends around him. He had never given a vote which sanctioned the measures or the general policy out of which those accumulated evils arose. Those evils had been the result of the long and ruinous system of warfare in which we had been engaged; but he trusted that we should at least derive this lesson from them—that it was impossible for any country to continue long in a state of war with safety or prosperity to itself. It had been said, that labour in Lancashire was as well paid now as some years since—that was, that the proportion existing between the price of those necessaries which the working classes consumed, was such as to render the present wages equal in effect to the former. But there was a fallacy in this: the manufacturer did not and could not receive the same profit as before. In looking to the price which the manufacturer received for a piece of goods, consideration should be given to the time which it was on hand before it was disposed of, and the additional hours of labour which were devoted to produce that price, supposing it to be the same; but he denied that there was any thing like a fair proportion between the means of subsistence enjoyed by the working classes now, and those they possessed in the period to which he had alluded. If it were so, whence arose all that distress which existed in the manufacturing dis-

tricts. What was the opinion of the five magistrates, whose letter to the noble secretary of state was among the papers on their lordships' table? Was it not that a great portion, if not all the discontents to which they had referred, had arisen from distress and hunger? Was it not also the opinion of earl Fitzwilliam that the want of employment was generally and most severely felt in his district? Indeed, it was impossible to deny the fact. If there was any doubt left on the subject, it would be removed by the document which had been published by the principal master-manufacturers of Lancashire. In this they declared, that they felt obliged to reduce the wages of their workmen, and they expressed their fears that a farther reduction would be rendered necessary, to the great injury of the weavers; but they added a hope that the circumstances of the country would so improve as that they might be enabled to raise their prices. They could not have meant by that, to raise their prices higher than those of former years, but so comparatively high as to be suited to the means of procuring adequate subsistence for those whom they employed. When one looked at the respectable names by which that document was signed, it was impossible not to feel that they would raise their prices if they thought they could do so with safety. From these facts then it clearly appeared, that severe distress existed in various manufacturing districts. He himself knew that it existed to an almost indescribable extent in the west of Scotland. Indeed, he might at that particular moment make use, in support of his argument, of an opinion which he had often heard on other occasions—that there was an authority behind the throne greater than the throne itself. [His lordship here alluded to the circumstance of several ladies who were then seated behind the throne, where they had been the greater part of the evening listening to the debate;] for there was not a woman in the country who could not state from experience the great depreciation which had taken place in the prices of the articles of manufacture, of the places which he had named. There was not a woman in the country who now went into a retail shop, who must not know that she bought those articles of cotton, &c. which she had usually required upon such terms as could not enable the manufacturer to pay high wages. The assertion, then, that there had been no reduction in the wages of the operative manufacturers, could never be seriously maintained. With respect to the measure before the House, he should for himself say, that he would have no objection to support any measures deemed necessary by government to meet the supposed danger of disaffection, if such measures were accompanied by propositions evincing a due degree of sympathy, for the sufferings of the people. But he could not endure the idea of being told that the House should pass such bills as that before the House, while no hope even was held out of any measure for the relief of the distress of the people. It was at least to be expected, that measures of coercion should be accompanied by some proposition of benevolence and conciliation. But no companion of the kind appeared—while the House was called upon to impose restrictions on the people, ministers did not afford it any means of mitigating the severity of the infliction by the slightest offer of beneficence. There was no proposition to soften the ungracious task which the House was required to perform—there was not even an intimation of any pecuniary grant to relieve the severe distress of the operative manufacturers. It was said, no doubt, that such a grant—that to take from one class of the people for the relief of another—would be contrary to the principles of political economy. But did it become those ministers to be so tenacious of the principles of political economy at present, who had been violating those principles in their general conduct for no less than twenty-four years? Were they to tell the country, that although they discarded the principles of political economy, while they were squandering the public resources in war, they would pertinaciously adhere to those principles when the most industrious class of the people required sympathy and relief in distress. But would the means which had been spoken of be a departure from the abstract principles of political economy? He denied that they would. If the land-holder and the fund-holder were taxed for the means of employing the manufacturer, he should be glad to know what principle of political economy would be violated, particularly when it was not denied that the persons who would be so relieved were at present in a state approaching to starvation. He did not mean to say that capital should be laid out, in giving employment for the sake of manu-

facturing articles, of which the produce already exceeded the consumption, and thereby overstocking the market, and throwing others out of employment. But there were other ways of affording employment to the thousands who wanted, and who would be glad to embrace it. Could no public useful works be engaged in? Might not the distressed be employed in labouring on the highway, or in canals, or in cultivating the forests, or in agriculture of any description? But in whatever way they were employed, these poor interesting people should not be left in their present melancholy condition, and no bill of this nature should have been brought before the House without some plan for their relief. While no such means of relief were afforded, he would not support any measures of severity; for severity alone would, he was convinced, be found wholly unavailing. The bill before the House he thought was ineffectual for the object which it proposed; but suppose it succeeded in putting down large public meetings, would it not in the same ratio create private cabals? As a measure of government, he thought it highly impolitic. The proper instruments of a good government were reward and punishment. Reward those bills could not be said to be; or, if they were looked upon as such, they should be considered a cruel one for the patience with which the nation had borne its long privations and distress; but he would ask whether they were as a measure of punishment against a starving population? The object of the bill, if he understood it was, to destroy one of the ancient rights of Englishmen, that of free public discussion in large bodies. It was said to be to prevent the abuses of that right, by prohibiting large bodies to come together for discussion, except under particular circumstances; but if men wished to assemble in small bodies, and in private (and it was from such meetings that there was most to fear), what clause of this bill prevented such assembly? His noble friend had described the most mischievous meetings in Ireland, in the period preceding the rebellion, as having been held in private. According to the statement of his noble friend it appeared, that no meeting in that country, previous to the insurrection, was numerously attended. Let what had occurred in France be referred to, and what appeared? Not that meetings of large bodies were held in the fields or other public places; no, but that small assemblies, of from twenty to thirty persons, were held within-doors and in secret, and that it was in such assemblies that all the mischiefs of the revolution were hatched. What was there in this bill to prevent the people, if they were ill-disposed, from assembling without discussing any political topic, and still to show their physical force, from which so much was now apprehended? Provided they came together without flags or music, they might assemble and produce all the mischievous effects which it was now wished to be got rid of. So much as to the inefficacy of this measure. But again he said, that he should not so much object to its adoption, if it were accompanied by any proposition for the relief of the distressed manufacturers. And if the principle of political economy, to which he had before referred, were pleaded against the grant of pecuniary relief to these poor people, he would ask, why should they not have that relief as well as other classes of the community, to whom, on some occasions, it had been extended? But why should that principle of political economy, which was set aside when the public money was voted for the relief of the people of Prussia, Saxony and Russia, be so tenaciously insisted upon when relief was required for the extremely distressed manufacturers of our own country. He implored the House and the government to consider the propriety of promptly granting the relief to which he had alluded. There were but two ways of governing mankind—namely, reward or punishment, conciliation or coercion; and as reward and conciliation were best adapted to a free state, he trusted that course of policy would be pursued which was most congenial to the constitution of England and the feelings of Englishmen, as well as best calculated to secure the stability of its institutions. Let them recollect, that if they did not evince a disposition to feel for the poor, the poor would not be disposed to have any respect for them or for the tranquillity of the country.

The Earl of *Liverpool* assured their lordships, that it was not his wish, at that late hour, to trespass long upon their attention; but as the noble earl who had just sat down had adverted strongly to those principles of policy which his majesty's ministers had adopted, he felt it necessary to offer a few remarks. He should also trouble their lordships with a very few observations on the bill then be-

fore them. The noble earl had not followed the example of another noble earl on the same side, in attributing the distresses which now existed to the continuance of particular places and pensions. It certainly did seem impossible for any man, competent to judge of the relation between cause and effect, seriously to maintain the position, that the present state of this country was owing to sinecures and pensions, or that a cause so inadequate could have been followed by such an effect. But the noble earl who had just sat down had disavowed that position. The noble earl had, however, maintained that the distress of the country was owing to the general policy of ministers, and that this distress was the cause of the disaffection to which the present bill was meant to apply. When he heard this charge, he was anxious to learn the grounds upon which it was made; as all allusion to those minor topics which had been so strongly referred to on other occasions had been disclaimed, he wished to know what particular line of policy which had been pursued by his majesty's government was fixed upon as the cause of the distress. He had at former periods, and would now again shortly state what he conceived to be the cause of the distress complained of. But first a word or two as to the disturbances which existed in particular districts. He denied that these disturbances were caused by distress alone, although he allowed that those who were most active in exciting them could not have effected their object so well, if such distress had not existed. With the information which he possessed, he did not, nor ever could believe, that the distress of the people was the sole cause of the disturbances; for in England, and in Scotland also, the disturbances were the greatest in those districts where the distress was felt the least. He was enabled, upon the best authority, to state, that the persons most forward at the late public meetings were by no means among the distressed part of the people; that on the contrary, indeed, they were persons in the receipt of full wages, and in the enjoyment of adequate comforts. Hence he controverted the noble earl's position, that distress was the sole cause of the disaffection. Then as to the other position of the noble earl, that the present distress was the consequence of the policy of the king's ministers. What was his proof for this assertion? That a war had been engaged in, and prosecuted with little intermission for more than twenty-four years. Now, assuming that as a fact, he conceived it was also necessary to prove, that that war could have been avoided by his majesty's ministers; that it was a matter of choice, and not of necessity, on their part. But what was the fact with respect to that war? There might be, he admitted, doubts as to the policy or propriety of commencing the war; but as to its continuance—as to the impracticability of concluding it with safety or honour, he never heard a doubt expressed in that House for ten years previous to its termination in 1814. For the last ten years there was no person who had conceived that the war was not necessary. Not a word concerning peace was heard from any body during that time. He remembered that in the year 1806, when some noble lords opposite guided the councils of his majesty, a mission was sent to France to negociate a peace; and the noble earl himself was employed in that mission, and conducted it with that ability, for which all who knew him must give him credit. What was the result of that mission? Was it peace concluded? No such thing. The noble earl found peace unattainable; he returned with that conviction on his mind; and however desirable a termination of hostilities might have been at the time, all hope of effecting it was then given up. He recollected also, that in the year 1810, a motion was made by a noble earl, whom he did not then see in his place, and the cause of whose absence he regretted as much as any man. In that motion, which was for an address to the throne, peace was alluded to as a most desirable remedy for the public pressure; but the noble earl confessed, that he did not see how it was to be prosecuted. In justice and fairness then he would say, that if the war was the cause of the distress which the people now laboured under, it was not fair to ascribe that war to any party in this country. He knew that there were periods of the war when the policy of its continuance might admit of doubt; but during the greatest period, and during that period more particularly when the greatest exertions were made, there was no difference of opinion as to the propriety of its continuance. But the noble earl had objected to the scale of expenditure on which the war was conducted during the last years of the war. If any man was responsible for this, it was certainly himself. But would the country

have ever brought that war to a conclusion, had that expenditure not been made? Their lordships remembered the great and extraordinary efforts which were made by this country towards the end of the war—efforts which proved decisive, and which while they terminated the war with the most splendid success, reflected a glory and renown upon this country which could never be effaced. When the war was brought to a successful conclusion, was there any individual in that House, or the other House, or throughout the country, who thought the peace had been too dearly bought, or who regretted that the exertions had been made which led to it? If the distress was to be ascribed to war, for God's sake let them lay aside party—let them not bandy from one side of the House to the other charges of impolicy and injury in the conduct of the war—let them consider the war as the decree of Providence; let them consider it as the necessary result of the unreasonable and ambitious spirit of the enemy. Let them at the same time consider the glory which this country had derived from it. They had effectually protected themselves from insult, if not from destruction, by an insolent enemy; they had saved Europe from slavery and lasting oppression. The poorest man in this nation had his share in the glory of our triumphs, and in the advantages of our success. The long continuance of the war and its disastrous effects in this country, but more particularly in other countries certainly made the transition from war to peace the cause of great distress. But not only was this distress more felt in other countries than in this; but the distress in this country was principally occasioned by the distress of other countries. At this moment the distress complained of did not prevail in the agricultural districts; it did not prevail in all the manufacturing districts. It prevailed in those districts which were necessarily affected by the foreign demand, and principally in the districts whose manufactures and commerce depended upon the demand from the United States of America. In the United States of America great distress was felt arising, not from the war, but from the presence of other, and he hoped temporary difficulties. Very often it was extremely difficult to trace distress to its cause. But if ever there was a case of distress which could be traced to its cause, it was the present distress in this country, when they saw all those places which depended upon the internal resources of the country flourishing, and when the places that suffered were necessarily affected by the distresses in foreign countries. He repelled as utterly unauthorized and unwarranted the imputations of the noble earl, that the noble lords on his side of the House were callous and unfeeling towards the distressed. He felt as much compassion as the noble earl could feel for the suffering poor and distressed manufacturer. With respect to the observations of the noble earl upon principles of political economy, it might be very proper for the noble earl and for him to investigate those principles in their closets. Such an investigation might interest and amuse them; it might qualify them, too, to edify others. But this was a practical question, and only a practical question. It was the opinion of the greatest statesmen that ever lived in this country, that in applying a practical remedy, or in attempting to apply a practical remedy, to such an evil, there was the utmost danger of increasing it. In 1793, when great commercial distress was occasioned by the first breaking out of the war, a practical relief was administered by issuing exchequer bills. Two years ago, in 1817, a similar relief to pressing distress was had recourse to. Great objections had then been urged against the measure, and particularly by a noble marquis, and he felt the force of those objections. The noble marquis had argued that that temporary relief added to the cause of the distress. If the distress arose from overtrading, it unquestionably would have that effect, as it did not allow the natural cure to operate. He undoubtedly had favoured that measure, however, when there were reasonable hopes that the distress was only temporary, and that the relief might be attended with the advantage to the distressed parties of enabling them to get over their present difficulties, and thus diminishing their distress at the moment. But he never had considered it possible for any minister who resorted to that plan to say he would give away the public money without any security. It would be absurd and ruinous, if it were practicable, to establish a public poor-box or poor-purse, and to deal out money right and left, without security, without a fixed principle, without a limited and qualified object. It was obviously necessary to appoint commissioners for the issuing of it, and to

frame rules by which its proper application and ultimate re-payment should be effected; otherwise, it would do more harm than good. Perhaps the noble earl had principally referred to Scotland, a country where distress to a great extent certainly existed; and which was in a situation in some respects different from this. With respect to England, he asked, if it appeared that the great and the rich regarded with indifference the distresses of the poor, when so much of the revenue was appropriated to them? This revenue was applied in the best and most beneficial mode. If there was any thing that could ruin this country, it was that government should take upon itself the support of the poor. Did not every person who had ever looked into the principles of political economy, say that a more ruinous doctrine could not be established than that which would make government support the poor of the country—that the poor-rates would be the greatest of evils, were they not under the superintendence of local interests, by which their injurious tendency was at least diminished? The whole system was now local in its character, and the supplies were consequently collected with greater security and lenity, and applied with greater discrimination and effect, than it would be possible to do, if government managed the whole arrangement. If, by an ill-judged attempt at amelioration, they were to impoverish men of property to support the poor, the consequence would be, that the means of employing labourers would be cut off, and thus the evil would be greatly increased. The only difference which this short-sighted policy would make, would be to injure the laborious poor, in order to benefit the lazy and the dissipated. He knew, however, that in this respect Scotland was in a different situation from England. When the noble marquis on a former night had alluded to the exchequer bills issued in 1817, he had told the noble marquis that of the million and a half at that period assigned by parliament for the relief of the unemployed, 500,000*l.* were still unappropriated, and that the commissioners were ready to distribute it upon proper security. Applications had been made to him from Scotland for the appropriation of a part of this money to the relief of the distresses in that part of the kingdom; and he had replied, that every possible aid would be afforded, if securities were given for repayment. Although no poor-rates existed in that country, yet the heritors possessed a power of assessing for the support of the poor. In many places however there was no assessment. Would it be proposed, would it be borne, that England should advance money to places in Scotland where no assessment had been made? What would this be but giving the money of England to the support of the poor of Scotland; the gentlemen of Scotland not being willing to assess themselves for their own poor. He had accordingly told those who had applied for the application of public money in that country, that if they assessed for the security of its repayment, they would obtain it. If extraordinary distress required extraordinary relief, let that extraordinary relief be given; but let it be given with the securities which would render it safe and effectual, and without which the mass of distress would be infinitely increased, and the prospect of real relief wholly destroyed. In England or in Scotland the means of relief would be afforded. But it could not be denied that such means could never be properly afforded without the security which would render them consistent with the safety of the country. A noble lord had recommended emigration. He was ready to admit, that it was not only the dictate of political economy, but the dictate of natural law, that whenever the wages of the labourer became insufficient for his support, whenever there existed a disproportion in any country between the people and the demand for labour, one way of reducing this disproportion was to remove a part of the excess to other countries, where the same state of things did not exist. From the origin of mankind up to the present time, when the individuals of any one country were too numerous, part of them had always removed elsewhere. But emigration could only come into operation gradually—if it was attempted on too large or extensive a scale, it would only tend to the ruin of the individuals emigrating. Government would afford every proper facility to emigration. But if encouragement were given to emigration beyond the means of fairly supporting those who left their native land, it would multiply greatly the evils attempted to be avoided, and occasion injury instead of benefit. He should now make a few observations upon the measure under their lordships consideration. He considered it the most important measure that their lordships had

to consider; more important, indeed, than any of the other measures which had been brought before them. The noble earl had objected, that it would not put down treasons, conspiracies, and plots. He knew this; he knew that there were treasons, conspiracies, and plots even now existing in the country; but this bill was not intended to put these down; its object was to prevent large and tumultuous meetings, which threatened the public security, and injured the peaceable and well disposed. He had been prepared to support this measure as a permanent measure. He did not, however, lament or complain that its duration was limited to 5 years, because he thought it might be proper and convenient that the bill should again come under their consideration, after it should have been in operation throughout the country for some years. But he should not be for this measure at all, either permanently or for a limited period, if it affected the constitutional right of meeting, discussing, and petitioning. But this measure not only did not materially affect these constitutional rights, but it did not affect them at all. The great use and the decisive effect of petitioning had been mentioned. It had been said that the public opinion always ultimately prevailed, and several instances were cited when the expression of public opinion had effected a change in the opinion of parliament. But, he would ask, had this been accomplished by meetings held in the open air by persons who marched in martial array, with colours flying and inflammatory devices exhibited? Yet those meetings, which were characterised by such mischievous inventions, were the exclusive objects of this bill. When his noble friend brought in a bill which was supposed to be an infringement on the principles of the toleration act (though in his opinion the apprehension was unreasonable), petitions poured in from the dissenters throughout the country. There was not a parish, and scarcely a village, from which petitions had not been presented against the bill; yet not one of those petitions had come from a meeting in the open air. The dissenters, though they were as jealous of their liberties as any class of subjects, were not anxious for meetings in the open air. The abolition of the slave trade was in like manner effected by general and continued petitioning from all parts of the kingdom; yet not one petition had come from a meeting in the open air. The meetings, then, to be put down by this measure, were meetings which would only serve to counteract their own purpose. The effect of the bill therefore, would be, not to prevent, but to promote deliberation: not to prevent, but to promote petitioning. The effect would be to put down and to prevent those meetings only which were too large and too loose for any good purpose, and which were calculated only to create alarm, and to menace parliament with the show of physical force. In 1779 and 1780, many public meetings were held in this country; but not one of them was held in the open air. The meeting in Yorkshire in 1780, which agreed to a petition, to which 80,000 names were afterwards signed, had been a meeting of five or six hundred persons in a room. In fact, there was nothing prohibited by the provisions of this bill which the common law at present did not prohibit. A noble earl was mistaken when he supposed that at these county meetings magistrates had the power of seizing individuals or dispersing the meeting. This was only the case with respect to meetings called by notice. He certainly doubted whether, at any meeting even under the existing law, it would not be the duty of a magistrate who heard treasonable sentiments uttered to arrest the individual holding such language, and if obstructed, whether he had not the right to disperse the meeting by common law. This bill might be considered as a sort of memorial to magistrates for their instruction and guidance in the various circumstances in which they might be called on to watch or to prevent meetings. Under this measure, the poor of all descriptions were allowed to meet, but they were not allowed to meet in the open air; and they were secured from the intrusion of strangers. Therefore there was nothing in this bill which threw shackles upon the right of public deliberation, or upon the right of petitioning. They owed a duty to those who wished to petition, but they also owed a duty to the peaceable and industrious, who would be affected by the improper use of the right of petitioning. Let them look at what had taken place in London, in Manchester, in Glasgow; and let them say, whether public meetings, such as were to be prevented by the bill, were not great and dangerous evils. Was it no evil to Manchester to be kept in a state of alarm for weeks before such a meeting was to be

held, and to require a constant military force for protection? He was therefore fully entitled to say not only that this measure did not shackle the right of deliberating and petitioning in the only way in which that right ought to be exercised; but that it gave additional value to the right, by securing it against gross and dangerous abuse.

The Marquis of *Lansdowne* allowed that the bill certainly came recommended by alterations in its character, which made it very different from its original form, and from the intentions of its authors. It came before them much less objectionable than it had come to the other House. In the opening speeches in that House, and in the other House, and in the original state of the bill, no limit to its duration was even once alluded to, and none of the exceptions which were now contained in the bill were admitted to be possible. Those alterations had removed many of his strongest objections, although he still felt great objections to the machinery which this bill would employ. He could not help expressing at the same time his satisfaction, and offering his congratulation, that important changes had also been made elsewhere in almost all the bills which had been under the consideration of their lordships—changes which had not been contemplated by their framers, and which were not admitted in that House to be compatible with their object. He cared not from what causes those changes had proceeded, but while the bills were in that House, why should their lordships have maintained that such changes were inconsistent with the grounds on which all the measures were brought forward? Their lordships had agreed, that unless a punishment due only to felons were assigned to persons a second time convicted of libel, seditious and blasphemous libels could not be put down, and all the enactments against them would be useless. Yet only a few days had passed, and they now found that punishment changed. The bill, with this odious and unjust punishment in its bosom, had made its way to the other House, and there it had received some sound and salutary changes. It would soon return to their lordships, when a noble duke upon the cross bench, who had expressed his conviction of the necessity of all the terms and clauses of all the bills brought in by his majesty's ministers, would be required to change his views and his praises of those measures, and to follow the meandering course which the bills were destined to run. This necessary accommodation would also, there was no doubt, be recommended to the noble duke by his majesty's ministers. He would not enter into the question of the nature and extent of the distress which existed in the country. His noble friend and the noble earl opposite had agreed on the point, that distress did prevail, and that the machinations of the evil designing had been successful principally by means of that distress. Those machinations, in truth, would have done nothing without the aid of the general distress. Distress was the lever which moved all the schemes and agitations so much feared. The noble earl had dwelt with great complacency, and seeming triumph, upon the admitted necessity of continuing the war at this and that particular period. But was that any defence of the commencement of the war? If a war wantonly begun, and unfortunately conducted for some time, should afterwards become necessary, in order to find the means of returning to a secure peace, were those who admitted the necessity of the continuance of the war to be precluded from censuring its unnecessary origin? He did not mean to give any opinion upon the necessity of the war, to which the noble earl had alluded; but he apprehended there were other causes than those resulting from a long and expensive war, connected with the policy of the present government, and sanctioned by that House, to which the distresses which prevailed were to be traced. Would not the noble lord admit the effect of the paper currency? If it were true that the effect of a paper currency was to give a different direction to the capital of the country, and that different direction had a more systematic effect in forcing the capital into new channels, thereby exciting an additional demand for labour, that demand creating in its turn an increased population, which were afterwards to be turned adrift, it was evident that the abandonment of that paper currency must, as a matter of course, become an additional cause of distress. He did not wish to go further into this subject. The noble earl had stated that he should feel a difficulty in granting any very large sum towards the relief of the manufacturing part of the country. He should not deal fairly with the House if he were not distinctly to say that the adoption of any

such plan without due inquiry, would be impolitic. The House ought to have instituted an inquiry into the state of the country, and from that they could have been able to form a judgment whether, in point of fact, such a grant would be productive of any beneficial result. He was of opinion that if they should once commence a system of relief, and could not afterwards continue it permanently, they would leave the country in a more distressed situation than it was before. But when the noble earl referred to abstract principles of political economy, he only stated an additional ground for the appointment of a committee, for the purpose of seeing how far those principles were applicable to our situation, and whether any real relief could be extended to the people from their application. The question of distress, however, still remained undecided. The noble earl was of opinion, that it was through the existence of distress in a great measure that sedition and disaffection had been promoted; but he would ask whether the bill then before the House was in any respect calculated to diminish that distress? All it professed to do was, to close one vent through which discontent appeared; but whether it might not appear at another was left as a matter of speculation. On the subject of public meetings to the great and alarming extent to which they had lately been carried, he felt the same difficulties as many other noble lords who had given information on the subject to the House; and he was of opinion, as far as he could judge, from all he had heard and seen, that if it were not necessary to enact new laws, it was at least necessary to give a more distinct and efficacious character to the old laws on this subject. No less than six acts had been passed at different periods, and some so far back as Henry 4th, and Henry 8th, for regulating the duties of magistrates on the subject; but still there was a want of that perspicuity necessary to guide them in the correct exercise of their duties. That which he should propose, therefore, was, that those acts should be consolidated into one plain, distinct, and intelligible law, designating what was a legal and what was an illegal meeting, and pointing out to the magistrates the precise course which they were to pursue. Although he was ready to admit the right of every Englishman to meet for the purpose of petitioning, yet when those meetings assumed a character which threatened the peace of the neighbourhood he thought they ought to cease. The objection which he had to the present act was, that it imposed a duty upon magistrates not alone of the greatest difficulty; but a duty which was calculated to produce odium towards themselves and heart-burnings in the country. When their lordships observed the difficulty which juries laboured under, to decide what was sedition or not, they must easily perceive the still greater difficulty under which a magistrate would be placed by his being called on to decide at once in the midst of a numerous assembly what was seditious in any of the speeches which might be delivered. Rather than accede to such an invidious power, he would prefer that meetings were prohibited altogether. He must also say, that there was a most extraordinary provision in this bill, including Ireland in the sphere of its operation. This had been introduced into the bill in a way which he thought peculiarly whimsical. When the bill was first mentioned it was spoken of as a permanent measure for the improvement of the constitution of the country. Ireland was not then included [lord Liverpool here said, across the table, "always"]; but when a change took place, and its permanent operation was altered into a temporary existence of five years, then, for the first time, Ireland was spoken of; so that it would seem that Ireland was to be excluded from a participation in a permanent benefit to our constitution, while, when that benefit was to be only temporary, she was to be included. The noble earl, too, had given a singular reason for including Ireland. He said that it would be extraordinary indeed that Ireland should be omitted, when so many counties in England which were not disturbed came under the provisions of the bill. So that, because it was thought necessary to place restraints on the people of England, it followed as a matter of course, that the people of Ireland should, although perfectly peaceable, be subject to a similar measure. The obvious rule of legislature, which had subsisted since the union of Ireland, he understood to be, that St. George's channel created a distinct division in their internal management; and that where a law became necessary by circumstances for the preservation of the one, it did not follow that the same law should extend to the other. It might as well be said, if it were necessary to place

Ireland under restraints because the county of Down, which was perfectly peaceable, was included in these restraints, that England must be so likewise. He could not consent to Ireland being exposed to the operations of this bill, unless the same necessity was proved as in this country. It was admitted that Ireland was peaceable, but he supposed his majesty's ministers formed their judgment on the words of Dryden;

"Your tranquil looks deceive me not, good man;
"I know you mean the murderous works you can."

Although Ireland held no meetings, and her aspect was perfectly serene, she must, because England was holding meetings in all directions, be subject to the same restrictions! The grounds shown even by the noble lords opposite, proved that no such radical meetings had been held in Ireland, and he should therefore hope some noble peer of that country would move in the committee, that Ireland should be omitted. In conclusion he observed, that he objected to the bill, because it did not profess to cure the distress, which, after all, was the cause of its necessity. It was not the miserable leader of the radicals, who was as desperate a character as he was contemptible in means, nor was it his wretched and misguided followers that they had occasion to fear; the real enemy and the real difficulty was the amount of the debt—and the fact, that while taxation was increasing, the revenue was diminishing, and the capital daily going out of the country. These were the grand levers of discontent and distress; and unless they were removed, discontent and distress must still exist. He would give his vote for the House going into a committee, from a hope that the machinery of the bill might there be improved; but he again must implore their lordships to recollect, that unless relief was afforded, discontent would prevail, notwithstanding all which might be expected from legislative measures. Succeed, perhaps, they might in suppressing disaffection in one place, but it would only be to witness its bursting out with increased violence in another.

The Earl of *Blesington* fully concurred in the observation of the noble marquis on the injustice of extending this bill to Ireland, and he should move in the committee that Ireland be left out. There was not the slightest ground whatever stated to the House for accusing Ireland of seditious and tumultuous practices, and for subjecting her to the infliction of the measure. He objected, however, generally to the principle of the bill, and should vote in favour of its being limited to the shortest time of duration.

Lord *Holland* said, he felt so much repugnance to the present bill, that he could not leave the House, notwithstanding "the overwhelming majority" with which it would, no doubt, be carried, without delivering his sentiments in a few words. He did not intend to divide the House, and should reserve the more detailed expression of his sentiments to a future occasion. He considered this bill as an unconstitutional, foolish, and mischievous measure; unconstitutional, because it went to fritter away the inherent right of Englishmen to meet and express their opinions, and to make the exercise of that right a crime punishable in the most ignominious manner; foolish, because it did not even prevent tumultuous meetings, unless they met for discussion, as he would show when he came to consider the question more minutely, and therefore it did not prevent the evils it professed to destroy; and mischievous, because for the reasons stated by his noble friend it would convert open tumult into secret conspiracy, and would substitute for clamour and nonsense the dagger of the assassin.

Their lordships, without a divison, resolved to go into a committee on the bill on Monday next. The earl of Carnarvon then moved, that the committee be instructed to limit the duration of the bill to the 1st day of July, 1822. The House divided: Contents, 20, Proxies, 18—38; Not Contents, 57, Proxies, 78—135: Majority against the motion, 97.

*List of the Minority.*

PRESENT.

Duke of Grafton
Somerset
Bedford
Marq. of Lansdowne
Earl of Essex
Thanet
Cowper
Lauderdale
Grosvenor
Carnarvon
Darnley
Donoughmore
Blesington
Rosslyn
Lord King
Holland
Saye and Sele
Auckland
Calthorpe
Lord Erskine

PROXIES.

Duke of Roxburgh
Argyle.
Marq. of Downshire
Earl of Suffolk
Spencer
Charlemont
Grey
Fitzwilliam
Jersey

| | |
|---|---|
| Minto | Bolingbroke |
| Lord Sondes | Duncan |
| Dundas | Montfort |
| Hutchinson | Crewe. |
| Hawke | |

## HOUSE OF COMMONS.

*Friday, December* 17.

Penryn Bribery Bill.] Sir *Charles Burrell* moved the order of the day, for receiving the report on the Penryn Bribery bill, with the view of postponing it to the 21st February next. This he did at the suggestion of several members, who wished him to wait till the Grampound bill came under the consideration of the House. He was not prepared to say that he had renounced his original intention with respect to Penryn; for in his opinion this case differed materially from that of Grampound. The district to which franchise was extended in the Penryn bill, contained a population of 20,000 souls. At the same time, however, he felt it his duty to comply with the request. He concluded with moving, that the report be received on Monday the 21st of February next.

Mr. *Wynn* agreed that an advantage would be derived from delaying the consideration of this case till after the discussion on the Grampound bill. The present bill was free from one material objection to the Grampound bill; namely, the proposition for giving to the unconvicted voters of Grampound votes for the county. If there was one part of our representation which ought to be more sacred than another, it was that of the representation of counties. The principle of the Grampound bill went to put another class of voters on an equality with freeholders. There were now three bills in the House relating to boroughs in the same county. In Wales, four or five boroughs all contributed (not by delegation, as in Scotland) to return one member. It might be possible, in like manner, to class together the unconvicted voters of the different boroughs of which the district would not be greater than one of those in Wales.

Sir *C. Monck* was happy, that in the projected alteration of the Penryn bill, the right to elect would be given to a district including such populous places as Falmouth and Penzance. There was no necessity for adhering rigorously to the same precedent, when the adherence would not be productive of the same benefit. He thought nothing could be more advisable than to deal with Penryn as boroughs under the same circumstances had been dealt with before. The imperfection in the manner in which they had hitherto proceeded with boroughs such as Penryn was, that in the hundred to which the franchise was extended, there were sometimes other boroughs, which by this means obtained a share in returning a number of members. Thus, for instance, Wooton Basset, in the county of Wilts, was in the hundred to which the franchise of Cricklade was extended. A person inhabiting a freehold house in Wooton Basset, had a vote for the two members of that borough, the two members for Cricklade, and the two members for the county, in all six members.

Mr. *D. Gilbert* observed, that in many of the boroughs the right of returning the members was vested in the corporation, which could take no part in returning members for the hundred.

Mr. Sergeant *Onslow* observed, that the circumstance of a person possessing a freehold in a town having a right to vote for both the town and county was by no means uncommon. If they acted, therefore, on the principle of excluding persons from a county vote, because he had already a vote in the hundred, the next step would be, to deprive those who had a vote in a town of their vote for the county. He protested against depriving any man of his franchise on speculative grounds. He was friendly to the principle adopted in the case of Shoreham.

The report was ordered to be received on Monday, the 21st February next, till which time the writ for the borough was suspended.

Insolvent Debtors Bill.] Lord Althorp brought in the Insolvent Debtors bill, and moved its first reading.

Mr. *Calcraft* wished to call the attention of the noble lord to a part of his speech on a former day, which, contrary to his intentions he was sure, had wounded the feelings of a most respectable individual, whom he had known for a number of years. He alluded to the late chief clerk of the Insolvent Debtors court.

Lord *Althorp* said, he was sorry that any thing he had said should have wounded the feelings of the individual in question. He certainly did not intend to do so. In the course of the investigation before the committee nothing came out which would

warrant any imputation against him. He had stated that he was glad that his majesty's ministers had removed every officer of the court, because from the manner in which the court had been conducted, it had lost the confidence of the public, and could not go on. In stating this, however, he did not intend to throw out any imputation against the individual in question.

The bill was then read a first time, and the second reading was fixed for the 16th of February.

NEWSPAPER STAMP DUTIES BILL.] Lord Castlereagh moved the order for the farther consideration of the report of the Newspaper Stamp Duties bill, for the purpose of re-committing it.

Mr. *J. Smyth* said, he had that day seen a great many persons connected with the book trade, who were of opinion that their interests would be much affected by this bill. He hoped the noble lord would therefore allow full time for the consideration of so important a measure. The booksellers, notwithstanding the alterations which had been made, were still in the greatest alarm. He was willing to believe that it was not the intention of the noble lord to affix a stamp duty to certain publications respecting which their apprehensions were excited, but the bill as now worded would have the effect of doing so. It would require a day or two at least to examine the bill to see in what way it would operate. He wished to know from the noble lord whether time would be granted for the proper examination of this bill?

Lord *Castlereagh* said, he would consent to have the bill re-committed on Monday next. He did not think it would be advisable to fix a later day, as it was desirable that a measure of the kind should be discussed with the fullest attendance. In the interval between this and Monday, the bill might undergo the examination which gentlemen wished.

Mr. *J. P. Grant* said, it appeared to him that this was by far the most important of all the measures proposed to parliament, principally when considered as the foundation of future legislation. He put it, therefore, to the noble lord, whether there was any necessity for pressing it forward at present. It seemed to him to require the most mature consideration.

Lord *Castlereagh* said, that the principle of the bill seemed to his majesty's ministers to be of great importance. So far he agreed with the hon. and learned gentleman; but he candidly confessed, that if some measures were not taken to deliver the country from the abuses of the press, he thought the consequences would be pregnant with danger and calamity. All the changes introduced consisted in mitigating and narrowing the operation of the measure. If gentlemen opposite objected to the details, they might be discussed on Monday, but he had hoped that the principle would be debated this night.

Mr. *Brougham* said, that the principle of the bill was so involved and mixed up with the details, that it was impossible to discuss the principle till the details of the arrangement were known.

Lord *Castlereagh* observed, that after the arrangements were agreed to in the committee on Monday, the discussion on the principle might take place.

Mr. *Brougham* hoped that between this and Monday such alterations might be devised as would secure the interests of this trade, not merely for the sake of the trade itself, but for the sake of the community. His objection was chiefly directed to the principle of resorting to stamp duties, not as a means of revenue, but of prohibition of publication.

The bill was ordered to be recommitted on Monday.

ARMY ESTIMATES.] The House having resolved itself into a committee of supply, to which the Army Estimates were referred,

Lord *Palmerston* said, that the House had seen the abstracts of the estimates on the table. It had not yet been in his power to make out the usual detailed estimates for the year. At present his object was merely to move a vote of certain sums on account. After the recess the detailed estimates should be laid before the House in the usual form. The sum now required was nearly one million and a half, which included the expenses incurred by the call of out-pensioners, and the forming of them into royal veteran battalions, up to Christmas. The noble lord then moved—"That it is the opinion of this committee that a sum not exceeding 900,000*l.* be granted to his majesty, towards defraying the charge of his majesty's land forces, for service at home and abroad, excepting the regiments employed in Ireland and the territorial possessions of the East India company, for the year 1820."

Mr. *Calcraft* said, he should not press the discussion of the subject against the wish of the House, but it did appear strange, that when 10 or 12,000 men were added to a standing army in time of peace, and that standing army too the largest that ever was known in the country at any similar time, the noble lord should pass it over as an ordinary matter of business which called for no explanation. Though he was not prepared, under all the circumstances of the country to say that he should peremptorily oppose the calling out of the pensioners, yet he thought it the duty of members, to awaken the jealousy of the country to such proceedings. He hardly knew, however, how to begin a discussion on which he should be ready to enter, as the noble lord had given no reasons for the vote. He saw too, among the votes, a sum for the military college. He, for one, should object to that vote at that moment, as the utility of that application of money was very questionable. He had rather that the noble lord should take a sum on account generally, without specifying particular heads, as parliament would then be pledged to no principle, except, perhaps, that of the increase of the army, by calling out the pensioners.

Lord *Palmerston* said, the House had at the beginning of the session been made acquainted with the increase of the army. He had proposed a vote generally for the service of one quarter; and he should have no objection to propose a vote for the whole on account, without specifying particular services, with the exception of that for the military college and asylum, which did not pass through the hands of the paymaster-general, and which it was from that reason necessary to have under a separate head. But if any gentleman wished to put an end to the military college, it would not certainly be proposed to abolish it before the 24th of March, and it was only till that time that the sum to be voted would supply the establishment. The expense of the college was less than it had been last year, as reductions were in progress. It would be desirable, too, that the measure of calling out the pensioners should be recognized by a vote.

Mr. *Calcraft* intimated that he should leave the subject for discussion at a future period.

Colonel *Davies* said, he had the strongest objections to the military college. He wished to know what the increase of 100,000*l.* on the charge for volunteer corps arose from? It was to be observed, that though not more than half the items of the estimates were brought forward, there was an increase on them of half a million beyond the last year.

Lord *Palmerston* said, the number of volunteer and yeomanry corps had been increased. The exact number he could not state, as the services of those corps were accepted, not by the War office, but by the home department. The increase on the estimates was merely on the volunteer service, and from the charges of calling out the pensioners.

Colonel *Davies* said, that after all the professions and pledges of economy and retrenchment which the House had heard last session from his majesty's ministers, he had hoped they would have made some sincere and effectual effort to redeem their promises. It now appeared that he had been deceived in such an expectation. He therefore embraced that occasion of giving notice, that he should on some night immediately after the recess, move for a committee to inquire into the whole of the army expenditure. In the state in which the country was placed, it was their duty to look to every possible means of lessening the public expenses.

The vote was then agreed to.

Misdemeanors Bill.] The report of this bill was brought up.

Lord *Ebrington* said, that as he had opposed all the other new measures which had been proposed to the House, he was glad to state that the clause in this bill which limited the time for prosecuting *ex-officio* informations, met with his warm approbation.

Mr. *Denman* said, he considered the bill as an improvement in the law of England. Though he was not desirous of clogging its progress by the addition of clauses, he should mention, that as the law now stood, every prosecutor on a misdemeanor had the power, without cause assigned, of removing the cause by *certiorari* to the King's-bench, by which process it often happened, that if the defendant was found guilty, he had to pay much more for expenses than any fine imposed on him by the court. Now, as the defendant was to be prohibited from removing the case, without showing cause, the prosecutor should in like manner be restrained. Unless some gentlemen of

greater weight took the matter up, he should bring it before the House. He suggested too, that it would be an improvement on the bill if the *certiorari* was not to issue without a notice to the opposite party.

Mr. *Bernal* suggested that the officers of the Crown should, in the case of *ex-officio* information, be allowed to enter a *nolle prosequi*, without putting the defendant to the trouble of an application to the court.

Mr. *G. Lamb* said, that having originally put the question respecting the limiting of *ex-officio* informations, which had been so satisfactorily answered by the clause of the bill before them, he felt it his duty to state his approbation of the alteration which had been made. He trusted, too, that this would be sent out to the country as the only permanent measure, and that the other bills would be considered as medicines beneficial only for the moment.

The Attorney General inserted as an amendment after the words directing an application to the court, the words "free of all expense to the party applying." Mr. Denman said it had been doubted (though he believed it applied to Wales) whether it applied to that country. The Attorney General said it certainly did. The report was agreed to.

## HOUSE OF LORDS.

*Monday, December* 20.

SEDITIOUS MEETINGS PREVENTION BILL.] The House resolved itself into a committee on this bill. On the clause respecting the persons allowed to attend meetings, the earl of Lauderdale objected to the phrase, "usually residing," and moved to leave out the word "usually."

The *Lord Chancellor* observed, that the word was necessary, as by law a person might be an inhabitant of a place in certain cases without residence.

Lord *Holland* remarked upon the mischievous absurdity of the clause thus worded, which would exclude from attending the meeting, in many instances, persons possessed of property or interest in the parish in which the meeting was called, or subject them, for attending, to severe punishment.

Earl *Grosvenor* observed, that if this clause passed, it would be necessary to obtain an inspector of faces in every district, in order to ascertain those who had a right to attend meetings.

The *Lord Chancellor* expressed his surprise that the noble earl, who had such an aversion to sinecures, should desire the creation of a new sinecure.

Lord *Erskine* observed, that though this clause allowed freeholders, copyholders, and inhabitants, to attend these meetings, yet there were other persons who were not permitted—himself, for instance, who had a lease for 1,000 years, of about 1,000 acres, in one parish, where, nevertheless, he was not an inhabitant. He could not, under this bill attend any meeting in that parish, however much his interests might be connected with the object of it, because he did not come under any description of persons within the parish authorized to attend meetings. He objected, however, to the whole of the clause, conceiving that it only tended to irritate the public mind, whilst, in point of fact, it was unnecessary to the object which the framers of the bill had in view. There were provisions to prevent persons coming armed—to prevent military array—to prevent banners, &c.; and surely these provisions would be sufficient without enacting vexatious and irritating regulations as to the classes of persons who were to be authorized to attend public meetings.

The Earl of *Liverpool* said, the question for the House to consider was, whether they were seriously disposed to get rid of tumultuous and violent meetings. If so, they must adopt enactments similar to those proposed. Every man in the country had sufficient means of knowing the penalties that attached to a breach of the law, and therefore could not plead ignorance. It had been objected, that the clause as it now stood was made to apply to meetings respecting trade; but the reason of that was, that meetings in rooms, were allowed to take place free of the operation of the bill. Before this exception was admitted, it was thought right to make the restriction applicable only to meetings relative to church or state. With regard to meetings in the open air, there were only two ways of regulating them—either by limiting them as to numbers, or as to locality. The limitation of numbers was best; but that was found impracticable, and therefore the limitation of locality was adopted. County meetings called by the sheriffs or others having authority under the bill, were left untouched, though originally county

meetings consisted only of freeholders. The meeting formed the county court. He knew that a different practice had grown up, and nothing in the bill was inimical to the continuance of that practice. With respect to parish meetings, the object of the bill was, to exclude all persons not inhabiting the parish, with the exception of freeholders and copyholders having property to a certain amount in the parish. He had no objection to state the ground on which this qualification had been introduced. There had been recent instances of persons having got colourable freeholds for the purpose of voting at elections. It was, therefore, thought right, in the concoction of this measure, to adopt some means of preventing that fraud by which persons who had nothing to do with a parish might be enabled to attend meetings. The property was therefore fixed at as low an amount as possible, with the view of the possession of it in the parish being readily known. He had no doubt that, when the bill came into operation, no difficulty in holding meetings would arise from this part of the clause.

The Marquis of *Lansdowne* wished to know why the privilege of attendance was given to freeholders of 50*l.* a year, and denied to persons of less property. This was making an unjust distinction, and was contrary to analogy with respect to the right of voting, as every freeholder having 40*s.* a year in property had that right. Every institution was liable to abuse; but if colourable freeholds were not a reason for interfering with the important right of 40*s.* freeholders voting for members of parliament, how could it be thought a sufficient ground for preventing their attendance at parish meetings? A principle sanctioned by the practice of ages was thus far done away by this bill. He should therefore move, that the words "fifty pounds" be omitted, in order to substitute "forty shillings."

The Earl of *Liverpool*, in reference to what the noble marquis had said on the subject of freeholders, observed, that if his object was to ascertain whether he did not think the practice of 40*s.* freeholders voting at elections an evil which might be corrected, he would answer in the affirmative. He certainly was not prepared to offer any proposition to parliament on the practice of voting for colourable freeholds, which had grown up contrary to the original intention of the law; but if any proposition on the subject came before parliament, it would receive his consideration. The case was, however, very different, when it was proposed, in legislating for a new object, to prevent assuming a right from colourable freeholds. That surely was a question fit for their lordships to entertain. The clause made no distinctions for persons resident in the parish, as they were all allowed to attend.

Earl *Grosvenor* allowed that the rich and poor, who were resident, were put on an equal footing; but a great distinction was made between the rich and the poor who were not resident. Their lordships should recollect that this bill was not giving a right, but taking it away. When all distinction was abandoned with respect to inhabitants, why should it exist for non-residents?

The Earl of *Harrowby* observed, that as the clause now stood, it would have the effect of preventing itinerant orators, and other persons who had no property in a parish, obtaining a colourable right to attend meetings.

Lord *Holland* could not agree with what the noble earl at the head of the treasury had said respecting county meetings. He believed that if the ancient history of such meetings were examined, it would be found that every man, whether freeholder, copyholder, or no holder at all, might attend them. It was true that if a meeting of freeholders only were called, others were excluded by the terms of the summons; but what he contended for was, that every man had a right to meet with those of his own class in county meetings, or some way or other, to consider of grievances and to petition. The noble earl had contended, that this bill did not take away the right, but only regulated it. It, however, did take away the right of meeting in parishes from all non-resident freeholders who had not property to the amount of 50*l.* a year. It was very much the custom with the supporters of measures like the present to attribute every evil to the French revolution; and yet what they pretended to correct were evils which never existed in the French revolution; and the remedy was one to which he believed the horrors of the French revolution were chiefly owing. There had been no great public meetings in France, but innumerable parish or small meetings. When their lordships came to another stage of the bill, he would show what mischief might be expected to

arise from the division established between the poor and the rich, which must be the consequence of these parish meetings. He had no doubt that the effect of this invasion of the constitution would be to rob the people of England of the right of meeting. It had been said, that two objects had been entertained,—namely, to limit meetings as to number; and as to locality. The first object had been found impracticable, and he should be glad if the other also proved impracticable; for of this he was certain—that it could not be accomplished without trampling on the constitution.

The Earl of *Harrowby* contended, that not one individual in the whole country would be excluded from meeting by the bill. Could the noble baron show him a case in which such an exclusion would take place? It was true, that a small freeholder or copyholder could not meet in a parish of which he was not an inhabitant, but such a person must be an inhabitant of some parish or other, and he could meet with the people of that parish.

Lord *Erskine* would put a case, to show the hardship of the operation of the bill. Suppose that he was no freeholder, but lessee of a thousand acres of land for a thousand years, he could not meet in the parish where his property was chiefly situated, if not an inhabitant, though the meeting might be on a subject most important to his interests.

The *Lord Chancellor* said, that in that case his noble and learned friend might get some person to attend in his room.

Lord *Erskine* observed, the effect would be, that he could not attend a county meeting, because he was no freeholder; nor the parish meeting in which his property lay, because he was not an inhabitant. A noble countryman of his had been displeased with the manner in which his noble friend noticed what fell from him respecting the overwhelming majorities of that House; but the effect of those overwhelming majorities had been almost to overwhelm the vessel of the state. When a measure went out of that House with so powerful a gale, it appeared that it soon got aground, and, after undergoing repairs, came back to be examined in the dock again.

The question was put on the omission of the word "usual," and negatived. The marquis of Lansdowne then pressed his motion for omitting the words "fifty pounds," which was also negatived. On the clause relating to the punishment of persons assembled contrary to the act, and not dispersing after being required so to do by proclamation,

Lord *Erskine* objected to the severity of placing on the same footing with felons, persons who might not be aware of the act, and who might be innocent of any intention against the laws. He contended, that the effect of milder laws should be tried, before one so severe, and possibly so unjust, was resorted to. As for the argument, which denied the sufficiency of the present laws, there was no force in it. The only evidence which the House had to form their opinion on, was that contained in the papers on the table, and in those papers he could find no proof to countenance the belief that other laws were necessary than those at present in existence. From the wording of the clause as it stood, the penalty was not confined to itinerant agitators, but embraced the class of persons he had already described, and therefore he should move that the word "felony" be omitted.

The Earl of *Liverpool* referred to what had been done by the Whigs themselves in other cases of danger, and particularly to the Riot act passed in the reign of George the 1st. By that act the magistrate was empowered to read the proclamation in riotous meetings, or meetings disposed to riot, and all persons who remained after the expiration of an hour were subject to the penalty of death. The noble and learned lord must know that the greater part of the persons assembled on such occasions were attracted by idle curiosity, yet no exception was made, or could be made, in their favour. Such was the state of the law under the Riot act. But by the present act, if any person knowingly and wilfully attended such a meeting, and refused to depart on notification being made, he was only liable to transportation; and after all, the question must be tried before a jury, who would consider the case with all its circumstances, and determine accordingly upon his guilt or innocence.

Lord *Ellenborough* could not admit that the severity of one act was any justification for the severity of another.—A second objection which he had to the present measure was, that except the case was extremely strong they would find a great difficulty in getting a verdict, and it was of importance that they should avoid as much as possible the evil of driv-

ing juries to the alternative to which he alluded. Even if they should succeed in obtaining a verdict, it was a question whether any person could be found in the country, out of the immediate influence of the Secretary of state's office, who would agree to the justice of inflicting the penalty.

The *Lord Chancellor* maintained, that if the bill was not passed with the clause as it stood at present it would not be sufficient to the protection of his majesty's subjects. He might say, without being accused of a paradox, that the weakness of the law, with respect to the suppression of illegal assemblies, was found in the strength of the law; for if they looked to the ancient and statute law, they would find that the subsequent enactments were a mitigation of the existing law, which was found too strong for legislation. By the Riot act the meeting of only three persons might be considered a riotous assembly, and dealt with according to its provisions, and they would find in statutes of great antiquity that the magistrates had not only a power of putting down such meetings, but were liable to prosecution if they did not. The magistrates had a power to arrest all persons attending such meetings long before the reign of George the 1st; and in the *posse comitatus*, on which they had a right to call, he could prove, though it was generally represented otherwise, there was no distinction taken between peace officers and military assistants. If the persons assembled did not yield peaceably to arrest, bloodshed must ensue, for, which one party must be answerable and the other not. Under the Riot act it was a capital felony not to disperse, but there was a more summary way of proceeding. Such of their lordships as were prepared to maintain that the persons who knowingly attended such meetings ought not to be punished might vote with the noble lord; but he would ask what sort of an act would that be which declared that the refusal to depart after the proclamation should not be more severely punished than the mere circumstance of being present without a right? Upon this ground he should certainly object to the amendment.

Lord *Holland* assented to the observation of the noble and learned lord, that the strength of the law constituted, in many instances, its weakness, but he would have him to apply the argument to the present clause, in mitigation of its severity. To make the mere loitering of a person after the proclamation was made a felony liable to transportation, was a severity which must defeat itself. The noble earl had alluded to what the Whigs had done in former times; he professed himself to be as good a Whig as the noble earl, but he thought it was doing as much as could be required of him to defend the conduct of the Whigs with whom he had acted, without justifying the conduct of former Whigs, whose errors the noble earl never quoted except when he proposed to imitate them. But though the noble lord had alluded to the act of George the 1st, he confessed it after all to be a mitigation. For his own part, though he should never have selected it as a subject of praise, he could not but look to it with some favour as compared with the bill before the House. It referred to riotous assemblies, to assemblies that proceeded to a breach of the peace; but the present act impowered the magistrate to read the proclamation in assemblies where there was no tumult. The noble lords had spoken of attending knowingly and wilfully, but there were no such words in the bill applicable to the clause under consideration. It was to be wished that when the noble and learned lord looked back to see how laws became inefficacious by their severity, he had taken a lesson from the fact. The consequence of neglecting it was this, that when disturbances arose new laws were resorted to. The people were thus taught to look not to the laws, but to parliament, and finally to regard parliament not as their protectors but their taskmasters. The introduction of the word "felony" in the clause exposed the person transported, he believed, to greater severity than the mere sentence of transportation, it was therefore an aggravation of the punishment, and consequently required to be expunged.

Lord *Erskine* said, that on turning to the acts of past times, at the suggestion of the noble and learned lord, he could not help comparing the state of things at present with that which existed in the reign of George the 1st, when the Riot act was passed. That act was the offspring of disturbed times, and the object of it was not to prevent the abuse of a right, but to put down tumultuous meetings. His lordship then quoted the authority of lord chief justice Eyre,

who had stated, that all men might and must reason on the constitution, particularly of their own government; from whence it seemed to follow, that human laws ought not to interfere with a view to prevent the declarations of such opinions in assemblies of men. The object of parliament ought to be to protect the people, and to conciliate those who were misled; and he agreed with a noble lord in thinking, that it would be difficult to find a jury who would bring in a verdict under the act as it stood at present.

The amendment was then negatived without a division, and the clause agreed to in its original shape. To the next clause, which declared the punishment of persons obstructing justice,

Lord *Ellenborough* wished the word "obstruct" to be more particularly defined; he should think that it would have been better to have specified a certain time, such as ten minutes during which the obstruction should continue, and the number of persons so obstructing should be declared to be three or four, either more or less. At present it was entirely left to the magistrate to put what construction he pleased upon it. He considered it also a very great hardship, that by the misbehaviour of a few, the subject should be deprived of that right of petitioning which he would otherwise have enjoyed. With the view of correcting this omission he should move the introduction of a clause to the effect of making it lawful for those justices of the peace who dispersed the meeting to authorize the re-assembling of that meeting within the space of forty-eight hours.

The Earl of *Liverpool* observed, that the clause which the noble lord had objected to was the same *verbatim* as that which was introduced into the bill of 1796. He believed there was scarcely a word in the clause which was not already the common law of the land. As the law now stood, a magistrate had the power of taking into custody any person uttering words tending to degrade the government, and to disperse the meeting.

Lord *Erskine* denied that a magistrate, by the common law, was enabled to disperse the meeting, by the act of one man, who might be a spy employed for the occasion.

The clause was then agreed to, and lord Ellenborough proposed his new clause, authorizing magistrates to give their consent, in writing, for the re-assembling of the meeting so dispersed within the space of 48 hours. At the recommendation of lord Liverpool the amendment was postponed until the third reading of the bill, when it might be introduced, if approved of, by way of rider. To the next clause indemnifying justices in cases of killing and maiming, lord Holland contented himself with merely entering his protest against it. In the following clause, declaring that it should not be lawful for persons to attend meetings with arms, he moved that the word "bludgeon" should be omitted. The amendment was negatived. He then objected to the whole of the clause which deemed places for debates and lectures unlawful, unless previously licensed. There was nothing, he said, in the preamble of the bill, which authorized the introduction of this clause; but he supposed the admiration in which the noble earl held the act of 1796, induced him to bring it forward on the present occasion. The clause was ultimately agreed to.

The Marquis of *Lansdowne* in that clause of the bill excepting lectures delivered at the universities, &c., from the operation of the bill, wished to introduce an amendment. There were four principal institutions in the metropolis at which lectures were delivered occasionally—the London, the Royal, the Surrey, and the Russel institutions: the two former of these establishments were excepted, and he should propose to include the two latter in the exception.

The Earl of *Liverpool* replied, that the objection he had to the proposition was single, but as he conceived decisive. The saving clause extended only to chartered institutions: and if the line were once broken through, there would be much difficulty in knowing where to stop. He reminded the noble marquis, that the institutions not excepted were only required to obtain a licence, which might be done at the small expense of one shilling.

Lord *Holland* denied that the payment of the shilling was the only inconvenience attendant upon the exclusion. The debates and lectures thus licensed would be constantly subject to the visits of the magistrates, who might make what remarks they pleased, however unpleasant; and who, without notice, might withdraw the licence at pleasure.

The amendment was negatived, and the clause agreed to. On the clause for the recovery of penalties,

The Earl of *Blessington* said, he should divide the House on the question of the measures being extended to Ireland. No information was laid before the Committee as to the state of that country, and the very terms of the preamble of the bill (stating that it was intended to prevent seditious meetings), evidently showed that it was not originally intended to have embraced Ireland within its operation. There was a peculiar division of counties in Ireland, not noticed in the bill, namely, baronies; and if Ireland was to be visited with the severities of such a measure, some attention should have been bestowed on its adaptation to that country. A degree of party spirit existed in Ireland, which could not be very easily put down, do what they would; but still the military power was very seldom called in to quell any partial disturbances it might occasion, while the present bill held out every encouragement for the military being more frequently employed. That of itself would make the bill objectionable to him; but it was rendered much more so, when he considered that the very objects against which it was directed, did not at all exist in that part of the empire. Many as were the grievances of the people, severe as were the hardships they endured, they had no tumultuous meetings, and they bore their privations without numerous assemblies to petition for their redress. It was urged that the bill did not mainly affect the Irish people, for they could meet in private rooms. But what private room could hold an aggregate meeting of the Roman Catholics? There was no ground before the committee to inflict such a measure upon Ireland.

The Earl of *Liverpool* said, the noble earl was mistaken if he thought Ireland was not originally intended to have been included in the bill. Although it originated in the other House he could state that fact upon his own knowledge. He understood it would not very materially affect that country; it would not go to alter any of the people's habits or feelings as to public meetings; for they were not in the practice of so holding them as the people of England had long been. The measure would go to the prevention of evil, and applied as forcibly to Ireland as to any of those counties in England which were not infected by the present contagion. The nature of the evils proposed to be remedied was, that they were very likely to spread, and if the bill were only to apply to particular districts, nothing was more certain than that those persons who made a trade of diffusing their prejudicial opinions would proceed to all places not included in the present measure. He conceived the bill as a favour to Ireland; inasmuch as it would prevent her from being visited by itinerant orators. There were old evils existing in Ireland which should not be increased by the danger of new evils, and it should not be forgotten that the leaders of the radicals in this country were in communication with the leaders of Ireland. He saw no inconvenience whatever in extending the bill to Ireland, but, on the contrary, as a measure of prevention, it was better to comprise Ireland within its operation now, than to wait perhaps until it became absolutely necessary, and then legislate in haste upon the subject.

The Earl of *Darnley* said, the communications alluded to by the noble earl, had been wholly unattended to in Ireland. The condition of that country was now extremely peaceable; and he thought she was entitled to an exemption from the operations of this bill, as an act of grace for her loyalty and tranquillity. The effect of such an exemption would be sensibly appreciated by that generous people.

The Earl of *Blessington* said, that the emissaries from Hunt and others sent to Ireland had totally failed in the object of their mission. When he considered how long Ireland had been neglected, misgoverned and ill-treated in almost every respect, he thought it too much to have her now told, because she was peaceable, because she was steady in her loyalty, that her only repayment would be a bill of pains and penalties.

The Earl of *Donoughmore* said, it would have been somewhat satisfactory to the committee if the noble earl opposite, in stating the communications made by the leaders here to the leaders in Ireland, had also added what he must have known to be the fact, that they proved totally abortive, and were received with contempt, nay, even with abhorrence. Was not that a strong argument why Ireland should be exempted from the operation of the bill? or did their lordships mean to give the people of that country the most gratuitous offence? Bills of the greatest severity had been hurried through both Houses in one night, and when they were directed exclusively against his unhappy

country; but did the noble earl then say, that the contagion which they were to remedy, should also be guarded against in England, and that she should share in their inflictions? No; he did not then say, how easily the evils that existed in Ireland might travel to this country. Ireland then was to meet her own punishment for her own sins; but now that she sinned not, now even that her patience and her loyalty were so highly and so deservedly panegyrised, she was to be told, "you must share in the punishment of crimes of which it is admitted you had not been guilty." There were, no doubt, meetings in this country which every man could not approve; but in Ireland there were no meetings of a seditious, much less of a treasonable character. There were agitators in this country who made foolish speeches, to meetings more or less of a tumultuary character; but he believed their tendency to have been very much exaggerated. As far as dangers really existed, he had no objection to the enactment of sufficient measures to meet and to repress them, but he would proceed no farther; and if the committee stopped there, all would be right.

The Earl of *Blesington* said, he was about to ask a question which might appear of little consequence; but as the people of Ireland generally went to all public places, with a shillelah in their hands, he begged to ask the learned lord opposite if a shillelah was to be considered as a weapon.

The Lord *Chancellor* could not answer the question of the noble earl, but should rather apply to him for information on that subject.

The division was not pressed, and the clause was then agreed to. The Earl of Lauderdale objected to the wording of the clause as to the limitation of the period of the bill,—and moved, that it continue until the 1st of March, 1825, which was negatived without a division. The report of the committee was brought up, and agreed to.

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## HOUSE OF COMMONS.

*Monday, December 20.*

PETITION OF THE BOOKSELLERS AGAINST THE NEWSPAPER STAMP DUTIES BILL.] Mr. *J. Smith* presented a petition from a great number of the booksellers and publishers of London, on the subject of the new duties proposed to be raised on works of a particular size and description, to which he begged to call the particular attention of the House.—The petitioners stated, that they were in the constant habit of reprinting and publishing certain standard works in numbers, some of them only containing a sheet and a half, and having a most extensive circulation throughout the country, which, they feared, would from their size come under the operation of the bill before the House, if it was carried in its present form. He apprehended it was not the intention of ministers to pass any measure which would injure this trade; for he maintained that there was no trade in the country which contributed more to the improvement of the religious and moral habits and character of the people than this. They published works upon agriculture, commerce, history, divinity, astronomy, &c. in a cheaper manner, by which means these works came into the hands of those who would not be able to procure them, if printed together in large volumes; for it was a common practice for three or four in a family to join in subscribing for them in those small and cheap numbers. This was in itself a most important and valuable circumstance for the great body of the people, whose means did not allow them to buy such works altogether. But there was another circumstance to which he wished to call the attention of gentlemen opposite as he was sure it would be gratifying to them. It was this—that they published no work which had not a moral or religious tendency. No plan, he conceived, could be devised, better calculated to instil moral and industrious principles into the minds of the middle and lower classes, than this, of giving them the opportunity of purchasing such works on their own terms. They published no works of political matters, nor on the passing occurrences of the day; and they required from those who circulated their works that they should not sell political tracts or pamphlets, which bond they most rigidly enforced. The petitioners further stated, and he could prove it at the bar if necessary, that there was not less than 1,000,000*l.* of capital employed in this manner, which would in a great degree be rendered useless if the present bill passed. He contended, that if the House consented to let the bill pass in its present form, it would destroy the little reading in the country, inasmuch as it would cut off so fertile a source of the means of carrying it on;

and he was sure that if it passed, it would be found necessary to repeal part of it in the next session.

The petition was then brought up and read, setting forth,

"That the petitioners have observed with great alarm the provisions of a bill now under the consideration of the House, intituled, "A bill to make certain publications subject to the duties of stamps upon newspapers, and to restrain the abuses arising from the publication of blasphemous and seditious libels;" and that the petitioners do now, and for many years past have respectively carried on the trade of booksellers and publishers in the city of London and the vicinity thereof, and they have respectively very large capitals embarked in their respective trades, and a very considerable stock on hand of the value of very many thousand pounds each, and they apprehend and believe that such capital, and the value of such stock, if not totally destroyed, will be materially diminished by the provisions of the said bill, if the same should be passed into a law; and that the works published by the petitioners consist of standard works re-printed, and many of them stereotyped, at an enormous expense, and of new works upon history, divinity, the arts, sciences, and general literature, with a very large number of expensive copper-plate engravings belonging thereto; and that the same are divided into small parts or numbers, which are published separately, and not at stated periods, but at uncertain intervals, within the month, and four or five of such parts or numbers are usually published within that time; and that the works so published by the petitioners would not, by reason of their price, find purchasers if the same were published entire, or in any form or manner less adapted for general circulation than that used by the petitioners; and that none of such works, nor any works which now are or ever have been published by the petitioners are upon any subject of temporary politics, but all such works are of permanent interest, and are likely to be re-printed, and to continue on sale many years; and that each of such numbers contains generally one sheet and a half of paper (but in some cases, when accompanied with illustrative engravings, less than that quantity), and is stitched, and has a cover, either blank or printed, and in most cases an engraving or othe rplate in one of every two, three, or four numbers, and each number is sold at a price not less than six-pence; and that such works are divided and made up into numbers as they sell, or at the time of the demand for them, and not at any certain time, and in some cases years elapse before the entire impression is made up or sold; and that it would be impossible to print separate covers with the dates of publication without great additional expense, which would occasion an immense loss to the petitioners, and would materially injure, and probably altogether destroy their trade; and that it would also be impossible to print the price at which such numbers are to be sold, inasmuch as the same are circulated not only in Great Britain, but in Ireland and America, and the price thereof necessarily differs as well in amount as in the denomination of money, according to the place of sale; and that no work so published by the petitioners is contained in less than twelve such numbers, and several of them extend to two hundred numbers and upwards; and that the whole of each work (except cyclopædias and books of reference) is upon one subject, and not upon many different subjects; and that the allowance in price made by the petitioners to the distributers or retailers of such works does always exceed twenty per cent, and the same varies according as the mode of selling or retailing the same is more or less expensive, and from other considerations; and that the respective establishments of the petitioners give employment to many thousand persons as workmen and as circulators who have no other means of employ, and that the capital and trade of the petitioners would not only be destroyed by the said bill, if passed into a law, but the persons aforesaid would be thrown wholly out of employ, and would be redued to utter distress and ruin; and that neither the petitioners, nor any of their workmen or distributers, nor any person by any means connected with their respective establishments, are, or ever have been engaged in the publication of any cheap or other works upon temporary politics or recent events; but in most instances the petitioners have required security by bond from the respective persons engaged by them not to circulate or sell any such political works, and every person detected or known to be engaged in the circulation or sale thereof has been invariably and immediately dismissed from the employment of the petitioners; and that most of the works

published by the petitioners are of a directly religious and moral nature, and every one of them is of a moral tendency; and the petitioners respectfully state, that no plan is better calculated, or has been been more effectual in the encouragement of regular habits, and in the discouragement of disaffection and irreligion among the poorer classes, than the system adopted by the petitioners, of supplying them upon their own demand, and at intervals suited to their own convenience, with religious and moral instruction; and that the petitioners have no doubt that capital to the amount of 1,000,000*l.* at least would be destroyed by the said bill, if passed into a law; they therefore humbly pray, That the said bill may not pass into a law, or that provision may be thereby made for the protection of the petitioners' trade and interest, and that they may be heard, by their counsel, agents, and witnesses, in relation to the matters aforesaid."

Petitions against the bill were also presented from the booksellers and publishers of Liverpool, Birmingham and Bristol.

NEWSPAPER STAMP DUTIES BILL.] Lord Castlereagh moved the order of the day for the House resolving itself into a committee on this bill. On the question being put, that the Speaker do now leave the chair, Mr. Macdonald was about to address the House, when

Lord *Castlereagh* rose, and said, he had understood from what had been said on a former occasion by an hon. and learned gentleman, that no discussion was to take place on the motion that the Speaker do leave the chair, but that the principle of the bill was to be debated in the subsequent stage.

Mr. *Brougham* said he had been misunderstood. His meaning was, that they should debate the principle of the bill on the motion for the Speaker's leaving the chair, and afterwards go into its details in the committee; for it was clear that he never meant that both its principle and its details should be discussed in the committee.

Mr. *Macdonald* concurred with his hon. and learned friend in thinking this the proper stage for discussing the principle of the measure before the House; although the noble lord, after having taken credit to himself for granting a delay of three days, now wished them to go into the committee without saying one word on the principle of the measure. A more important measure, in his opinion, had been seldom submitted to the consideration of parliament. Its importance, indeed, was evident, from the nature of the petitions which had been presented to the House upon the subject, as well as from the character of the petitioners. Ample time ought indeed to be allowed for examining and deciding upon such a question as involved the liberty of the press—a privilege of such importance to the freedom of our constitution, as to deserve to be guarded with no less jealousy than the sacred right of meeting for the purpose of petitioning. This measure, however, with the other restrictive bills, was, it was said, brought forward in consequence of the supposed exigency of the case, and the alleged inefficiency of the law to meet that exigency. But in reply to this statement, he would ask where was the demonstration of any adequate attempt to try the efficacy of the laws to meet or repel the exigency said to exist, and such a demonstration or proof should be adduced, before the ministers of the Crown were warranted in calling for new restrictive laws? To the principle of both the bills before the House upon the subject of the Press, he entertained the strongest objection, as well to that which stood for a future day, as to that which was immediately under consideration. There were some parts of these bills which appeared to him totally unintelligible; but every part that was intelligible was objectionable. The principle of those bills went indeed far beyond any thing that had ever been attempted in the legislature of this country against the freedom of the subject, and the stability of the constitution. Nothing like it had ever been proposed, even during the existence of rebellion, or the prevalence of revolutionary doctrines. The measures, indeed, of the 38th of the king, involved a suspension of constitutional privileges; but then that suspension, which was deemed very strong at the time, fell very far short of the bills upon which he was animadverting. Yet the measures of the 38th of the king, which were only of temporary enactment, were found sufficient to carry the country through all the dangers belonging to commotion in our own dominions, and to the apprehensions created by that great modern convulsion, the revolution in France. With such evidence, then, of the efficacy of comparatively moderate measures, at a period of great and unexampled peril, upon what ground

could ministers justify the introduction of such very strong measures as the present, under existing circumstances, when the whole world was in the enjoyment of profound peace, and when this country was, according to the language of ministers themselves, comparatively prosperous and happy? Yet, in such circumstances, ministers pressed the enactment of new laws to suppress irreligion and sedition, without showing that the present laws were inadequate. So that, after twenty-five years of war, during which the people had evinced the most exemplary patience and perseverance—during which they had contributed, by their industry, their wealth and their valour, to prevent defeat and disaster, and to enable the duke of Wellington, by his unprecedented victories, to bring the contest to a triumphant conclusion, they were to be told that the result of all the national glories must be to lead to an abridgment of their liberties! The people were told, forsooth, that within the last twenty years, during which they had been struggling to endure the calamities and to overcome the dangers of war, such an intensity of light (he believed it was so called), or so much knowledge, had been diffused among them, that it was necessary to deprive them of those constitutional rights, for the maintenance of which they had been induced so long to contend. By the advocates, however, for this deprivation, it was said that the object was only to take from the people a portion of their rights, in order to secure the remainder. But he would ask those advocates, when the bills before the House should be passed into law, what was the liberty that remained to Englishmen? Let these bills pass—let such measures be allowed to follow the war—and he had no hesitation in saying, that the people would look with loathing at the victories which had led to such results. Nay, the defeat of the very extraordinary individual, against whom this country had been contending for twenty years, after the policy of our government had created his power, could not be expected to afford much triumph to the people, if that defeat were to be followed by the abrogation of their liberties. For himself, indeed, he had no hesitation in saying, that which he firmly believed to be the sentiment of the great body of the people, that twenty such victories as that of Waterloo, glorious as that victory most assuredly was, could not compensate for the loss of one atom of our constitutional liberty [Hear, hear, hear!]. Victory was, indeed, only valuable as it served to consolidate our freedom. But the victories which signalized the war were only to be attained through the spirit which the love of freedom inspired. And what mainly promoted that noble feeling? The public press. What excited and enabled the country so much to go through the war, as the influence of those publications which the press sent forth, often perhaps exaggerated, with regard to the ambitious views and arbitrary proceedings of the ruler of France? What inspirited the people so much for active exertion, or filled them so much with heroic enthusiasm, as the contrast which the public press was almost daily making between the military despotism and warlike disposition of France, and the constitutional freedom and commercial habits of England? The services, indeed, rendered by the public press to the cause of the country throughout the late war, were scarcely calculable; and yet upon this press it was now proposed to impose a most galling chain. The nature of this imposition might easily be understood, upon a review of the two bills to which he referred. The first bill proposed a new Stamp duty, which, although so objectionable as to be deprecated by many respectable individuals connected with printing and bookselling, as appeared from the petitions on the table, was still less important than the propositions in the second bill. But with regard to the duty proposed in the first bill, this was, he apprehended, the first instance in the history of the country, that a tax was to be imposed for any other purpose than that of revenue. Here, however, the object was, to levy a tax upon any publication within the limit, as he understood, of three feet by two. But the proposition in the second bill, which was not then immediately under consideration, but to which he felt relevant on this occasion to refer, that recognizances should be entered into by certain publishers, was, in his opinion, peculiarly objectionable. For in this case men were to be called upon to enter into sureties to keep the peace, without having committed or manifested a disposition to commit any crime; and this was a principle quite new to the constitution and laws of England. The demand, indeed, to enter into sureties was itself a penalty, and a penalty never required by the practice of our law, unless a man were convicted of having

actually violated the law, or were charged upon evidence with a disposition to commit such violation. That an Englishman should not be bound to enter into recognizances without having transgressed the law, or shown any intention to commit such transgression, was a primary elementary principle of the British constitution, which so long as any regard for that constitution remained, must be held sacred. He held it to be a primary principle of the English constitution, that an Englishman might publish whatever he pleased on his own responsibility; but now, for the first time, it was required of him to find others to share in this responsibility. While one spark of the spirit of liberty remained in the country, such a measure could not be tolerated. But unfortunately for the cause of liberty, an *ultra* Tory doctrine had of late obtained, of rather looking for principles of government to Rome, and that too during the sway of its emperors, than to the constitution of England. The lovers of this new doctrine must be prepared to make many more sacrifices of liberty, if they determined to take their rule of civil government from Rome and the Justinian code, rather than from the history of their own country. But to return to the question of sureties—it was peculiarly hard to call upon writers or publishers to enter into sureties not to write or publish any seditious libel, considering how vague and indefinite a thing was a libel. How could any man ask his friends to become bail for him upon such an occasion? Would not every gentleman who heard him, feel very reluctant to enter into security for any friend in such a case? And that reluctance which these gentlemen would feel themselves, they must think likely to be felt by others, especially as the character of a seditious libel always depended so much upon the times in which, or the tribunal before which it might happen to be tried. That publication, indeed, which at one time would be deemed laudable, might at another be denounced, and punished as a seditious libel, and with such uncertainty and fluctuation as to the nature of this offence, would it not be a great grievance to require from any writer or publisher the previous security alluded to? Great as might be the inconvenience and evil of this provision to printers and publishers, the greatest hardship would fall on authors; and among those who would be affected by it, he would take leave to say, were some of the most eminent writers of the age—men who, by their labours, had rendered important services to the constitution and the country. But independently of the hardship to individuals, the measure would be attended with important consequences to the community; for it was not to be supposed that any man would, after this, record the transactions of the day, unless he could afford to lock up 1,200*l.* By the proposition to which he objected, even a diurnal writer, before he could commence the printing of his work, must have sureties forthcoming to the amount of no less than 1,200*l.*; namely, 300*l.* for himself, with sureties from friends to the same amount, and also 300*l.* for his printer, with sureties of friends for him also to the extent of 300*l.* This arrangement involved so gross an invasion of the freedom of the press, that whatever might be the disposition of the noble lord, who had been so industrious in framing restrictions for popular freedom, both at home and abroad, he could not believe that a measure calculated to check the labours of literary men, would have the sanction of the right hon. gentleman who sat beside the noble lord, of whose literary talents there could be no doubt, whatever might be said of his politics, until he heard that right hon. gentleman actually declare in its favour. But these bills were altogether of such an odious character, he did not think it possible that the people would ever be reconciled to their existence, if their representatives in that House should be so indifferent to their interests and feeling, as to accede to their enactment. The House had heard that a censorship was once in contemplation. How far the question had been entertained, and why that measure had been rejected, he could not say; but this he would say, that these bills comprehended little less than an absolute censorship, and the worst and most contemptible species of censorship—that of money; which did not measure a man's intellect or his intentions, but his purse. According to them, it mattered nothing what were the principles, views, or talents of a writer. If he could not procure sureties to the amount of 1,200*l.*, this censorship would say "go about thy business, thou friendless pauper, thou art not qualified to become an instructor of the public," while to the rich author, however unprincipled in views or stupid in talent, this species of censorship would give every facility he desired for

the publication of his crudities or the propagation of his errors, and would say to him "you are qualified to instruct the public, go you to the press." Thus the rich writer might mislead or impose upon the public judgment, while the poor would be precluded from contributing to its instruction or edification. The noble lord might hear from his right hon. friend beside him that there was such a thing as "the Republic of Letters," and his right hon. friend might also explain to him that this republic implied an arena in which all men were at liberty to display their talents upon a footing of perfect equality, at a tribunal of public taste and judgment, before which the qualities of the human mind were impartially tried and duly distinguished; and before which the meanest being on earth, if he was gifted with genius, might dissipate the halo of obscurity that enveloped his birth. But this republic, this impartial tribunal, for ascertaining and advancing merit, the noble lord by his measures proposed to overturn. Those measures would indeed serve in a great degree to establish an imprimatur on the press. What would Locke and Bacon, and other ornaments of English literature have said of this species of money censorship, which would preclude the poor from displaying their talents? Since the abolition of an actual censor upon the press in this country, the boast was that any man was at liberty to publish what he pleased, subject to subsequent responsibility; but in consequence of the provisions of this measure, the poor writer was excluded at once from publishing, by his inability to procure sureties. So that with regard to such a writer, this bill was to all intents and purposes worse than an imprimatur. Nothing then could be more baneful to the independence of literature and to the claims of genius than this obnoxious measure. But the proposition of such a measure was peculiarly objectionable at this period, when it was so much and so laudably the general object of the country to promote the education of the poor: for how absurd was it to take away from the poor the fair opportunity of displaying their talents or contributing to the information of their country, after they had been enabled and encouraged to exercise their minds? Such a proceeding was indeed like furnishing men with the material and forbidding them to use it. But he would ask, what was likely to have become of Dr. Johnson and many other essayists, who might be named, if a measure of this nature had been the law of the land in their day? For how many of these useful writers were notoriously without money or friends; and, to use a vulgar expression, merely lived from hand to mouth. But in our own days, how numerous as well as how useful were the tracts which would have been lost to the world if these bills had formed a part of the law of the land. He alluded especially to those tracts which had so materially contributed to promote the abolition of the slave trade. But we had also had various publications of great utility with respect to the poor laws, and to several interesting points of political economy, particularly upon the subject of the orders in council, some time ago, the appearance of which measures of this nature would have been calculated to prevent. There were also several publications upon the catholic question, which he knew had served very much to enlighten men's minds, that a law of this character would have operated to suppress. He might extend this remark to the question of the corn laws, and every other topic that came under discussion in that house; and he might ask the hon. members who heard him, if they had not had very valuable pamphlets on all these subjects put into their hands? It now only remained for him to make a few observations on that branch of the libel bill which inflicted a new and peculiar punishment for a second offence. To show what use might be made of this provision, it was only necessary to refer to the prosecution of Hone; but for a different purpose from that which induced other gentlemen to quote that case. He referred to the case of Mr. Hone, in order to illustrate the injustice of the proposed punishment; for as that gentleman had three indictments preferred against him at the same time, would it not have been cruel had he been subjected to the aggravated punishment upon a second conviction, merely because it pleased the Crown prosecutor to split the charges against him into different indictments? He also objected to the punishment, because it was novel in the history of this country. There was, he was aware, a law adopted in this country about 20 years ago, for subjecting a seditious libeller to transportation upon a second conviction; but then it was to be recollected, that that law, which was only of short duration, was never acted

upon in any one instance. But he objected particularly to the penalty of banishment, because it was a punishment so very unequal in its nature. To those who had connexions, which rendered native home dear to man, it might prove a punishment almost as bad, if not worse than death; while to others differently circumstanced it might operate as no punishment whatever. Another country might indeed serve rather as an asylum to some persons. But, on the other hand, it should be remembered, that to banish a man for a political offence, while a certain understanding was known to exist among foreign nations, might tend to expose him to the cruel persecution of being hunted through the several countries of Europe. On these grounds, then, he strongly objected to the penalty of banishment. But why should it be supposed that it was necessary to impose any more severe punishment upon libellers than the law already authorized? For it was competent to the judges to inflict fine and indefinite imprisonment; and two years imprisonment was generally deemed a punishment severe enough for any offence of this nature. But he had no objection to distinguish between the punishment of a blasphemous and a seditious libel, and for this obvious reason, that the former was definite, that indeed it defined itself, while the latter was quite vague, being only defined as an offence "tending to," not intending "a breach of the peace." That was deemed sedition, too, which tended to bring either House of Parliament into contempt. But on this point he would ask whether it would be fair to punish that man for sedition who should repeat what had been uttered in that House itself a few nights ago upon the discussion of a partial plan of reform, and yet what was said on that occasion by his two noble friends as to the corrupt practices in returning members, certainly tended to bring the House into contempt. No one could, however, in fact, reason in support of that reform which was now generally desired by the country without some statement tending to bring that House into contempt. Would the House then consent to visit such reasoners with the proposed punishment? As to blasphemous libellers, he would again say, that their case was very different. But this was a crime so odious to the country, that no additional punishment was necessary for its suppression. Two or three examples, indeed, of such punishment as the law authorized, had, upon the appearance of blasphemous libelling, been always found sufficient to put it down. If the Crown lawyers, then, would do their duty, no apprehensions could be entertained that blasphemy would ever be able to raise its head in this country. But with respect to sedition, as that was indefinite, it never could be supposed that if a very aggravated punishment, hitherto unknown to our laws, were to follow conviction for such an offence, juries would be found very ready to convict. In such a case, indeed, unless the publication were obviously malignant and rancorous, he rather thought that such persons as generally composed English juries, would be very slow to concur with the views of Crown prosecutors, or even with those of the parliament or the government, where the object was, to subject the accused to a punishment of severity unprecedented in the history of the country, and inconsistent with the general principles of popular liberty. He would not deny that the low and grovelling part of the press had lately disgraced itself; but till the natural remedy had been put to the test of experiment, and had been proved ineffectual to check the evil, such laws as the present should not be proposed. He appealed with confidence to the feelings and judgment of the House, with regard to the services and value of the liberty of the press; he exhorted it to consider what good that great privilege of freemen had done, and what it was capable of doing, and not to allow its opinion to be influenced by the degrading conduct of the base part of the press; but to cling to that which was truly respectable, and cherish it with a scrupulous and religious care.

Mr. *W. Dickinson* denied that the law of libel was of that vague nature asserted by the hon. gentleman. If gentlemen considered the nature of a seditious libel, they would find that it had its origin in inveterate malice; and therefore, in such times as the present, it was necessary to apply an effectual check to the mischief. He thought that ministers would have been guilty of a dereliction of duty, if they had not brought forward such measures as those which had formed the subject of the hon. gentleman's animadversion; for the publications which had of

late deluged the country called loudly for correction and punishment. If, indeed, such publications were tolerated, there could be no security for the establishments of the country, either in church or state. But as to the punishment which the last speaker had so particularly deprecated, such punishment was not, he contended, inconsonant to the principles of the constitution, or unknown in the history of the country; and in support of that proposition he referred to the cases of bishop Atterbury and lord Clarendon. The punishment itself, however, it was to be recollected, it was discretionary in the judge to inflict, while it was competent to the clemency of the Crown to remit or mitigate that punishment in particular cases, or to the authority of parliament to interpose and solicit such remission or mitigation. He quoted the authority of lord Coke to show what had been the practice at common law with respect to the power of magistrates to search for libels, and to support the position, that the clause in one of the bills alluded to by the hon. gentleman, respecting the power of magistrates on this subject, was not unknown in the history of our constitution. He was aware that some of the precedents to which reference might be had on this topic, took place during the existence of the Star Chamber. But then, after the abolition of that court, some precedents had occurred of a similar nature. He had the authority of that great lawyer, statesman, and philosopher, chief justice Hales, that it was the spirit of the British constitution to accommodate itself to times and circumstances—it resembled, as it were, the skin of the human body, possessing a flexibility applicable to any state, whether of sound health or of alarming disease. The present measures he supported, because he considered them not as an infringement of the just rights and liberties of the subject, but as calculated to stem the current of anarchy and rebellion which had set with such great violence against the institutions of the country, and he trusted that that House would furnish an example of firmness by giving the peaceable and well-disposed that protection which they had a right to require.

Mr. Sergeant *Onslow* said, he was happy the hon. member who had just sat down had risen before him, and he begged leave to say that he entirely agreed in every word he had uttered. With respect to his hon. friend who had spoken previously with so much eloquence and ability, he thought he had taken a most erroneous view, not only of the principle, but of the enactments of this bill. His hon. friend had commented with great spirit upon the situation in which authors would be placed by this measure. For his own part he had not imagined that authors would be in the slightest degree affected by its enactments; but he would not trust to his memory, and had referred to the bill itself; and he could now say, that there was not one word which could bring an author under its operation. Was the author a printer or a publisher? Certainly not; and it was to printers and publishers alone that the act applied; and he desired to state, too, that those to whom the bill was principally applicable were obscure publishers, and not respectable booksellers. It was to men who, being urged on by the desire of gain, had no fear of imprisonment, and would publish any libel, however infamous. In another point to which his hon. friend had alluded, he was also incorrect; it was that in which he referred to the clause for imposing an additional punishment for the second offence. His hon. friend had adverted to the case of Mr. Hone, and had drawn an illustration from that trial to prove the hardship of the increased penalty on a second conviction. With respect to that trial, he never would, after the decision of a British jury, make any invidious comment, but he must be allowed to say, that the difficulties which had been thrown by it in the way of obtaining a verdict of guilty against blasphemous libels were much increased. His hon. friend had however argued as if this increased severity were to be applied in the event of two convictions immediately succeeding each other. That was not the case. The construction which he put on this part of the bill was, that it applied not to trials on separate indictments, progressively going on, but only to cases where a second conviction followed the punishment of an antecedent offence. If that were not the case, he would willingly subscribe to the observations of his hon. friend; but he believed, on looking to the clause, he would be found to be right. The punishment of banishment had also formed a conspicuous feature in his hon. friend's speech. It was for the purpose of suppressing the libellous publications of those who, in defiance of the law, were inve-

terately determined on the continuance of the offence, that the penalty of banishment was introduced. The principle of such a punishment was not new as had been argued; it was to be found in the ancient practice of the abjuration of the realm. But even if it were new, he should be disposed to prefer it far beyond transportation, because the latter punishment had hitherto been only applied to felonies; and he should have great difficulty in sending to the other side of the world, if not to slavery, to a certain degree of compulsory labour, an individual guilty of a comparatively venial offence. There were many offences to which transportation was now affixed, and to which banishment as a milder punishment would, in his judgment be beneficially applied. Banishment inflicted no stain on the connexions—it did not send a man to the other extremity of the globe to pass his life, not indeed as a slave, but deprived certainly of all free agency. In all legislative deliberations, the question turned upon the toleration of the greater or the lesser evil; and it was better that some individuals should be prevented from the prosecution of an employment, than that the country should continue longer exposed to the deliberate attempts made during the last 26 or 27 years to poison, by the most flagitious libels, the majority of the people, and thereby to occasion the most incalculable mischiefs. He was as warm a friend to the liberty of the press as any person, but he confessed he did not think these bills went in the slightest degree to infringe those liberties. These bills had been compared to a censorship; but he thought there was a wide difference between them and the measures described by Locke, and by Algernon Sydney. There was a wide difference between an *imprimatur* which went to prevent publication, and a decent check upon those works which might be published. He firmly believed that the great majority of the people were still sound; but at the same time, if effectual means were not taken to check the continuation of the existing abuses, it was impossible to anticipate the ill consequences which might result from them.

Mr. *Macdonald* explained. He had not made the assumption ascribed to him by the hon. and learned sergeant as to the authors; he had merely put a case in illustration of his argument.

Mr. *J. R. S. Graham* said, that at a season like the present, every thing should be done which was calculated to increase the public confidence in the House; but so far from this having been the case, in his humble opinion, they had either altogether lost that confidence or it was greatly on the decline. It was not for him to say that the present measures were inapplicable to the state of things which existed; it was enough that he should remind the House of the irritation which prevailed, and ask them whether there ever was a period in which they were called upon to exercise a more calm, deliberate, and sober judgment. What else could make the measures which were proposed effectual; or what else could justify the House in making a permanent alteration in the law of England, affecting one of the noblest institutions and best safeguards of the constitution? No man could detest more heartily than he did the blasphemous and seditious libels which of late had issued from the press; they were loathsome and nauseous, and he regretted the fatal effects which they were calculated to have upon the public mind. He detested them first for the wickedness of the purpose, and he detested them the more, because he well knew that a flagrant abuse of a right on the part of the people, was too frequently the first cause of tyranny in rulers, and the best pretext for the introduction of coercive measures. Those friends were the worst friends of the people, who for the sake of base lucre would rob them of the consolations of religion, who would subvert all order and wade through bloodshed to the enjoyment of precarious power; and who at the same time furnished the enemies of a free constitution with an excuse for its violation. But on the other hand it was the paramount duty of that House, as the constituted guardians of the public weal, not to permit itself to be hurried away by the influence of alarm or temporary irritation, to the adoption of permanent measures of coercion, hostile to the spirit and practice of the constitution which it professed to uphold. He confessed he could not help revolting at the practice which he had so repeatedly observed on the part of the Crown, to exaggerate alarm and to enhance the character of difficulties, merely for the purpose of creating a pretext for pulling down those institutions which our ancestors had raised, and for abridging those liberties which were due to the labours of the people in early times.

He was not disposed to attribute bad motives to the ministers of the Crown, but he could not help observing, what the circumstances fully justified, that it looked as if it were the object of those ministers to produce, by its impunity towards flagitious libellers, an ill feeling towards the freedom of the press, in order to secure its permanent abridgment—permanent he would say, for privileges taken from the people were neither easily nor peaceably recovered. He had ever been taught to consider, in times of domestic irritation, that moderation in the deliberations of the legislature was its true duty, and safest course. He had the sanction of Mr. Hume for that opinion, when he stated, that nothing but its own zeal could overturn established authority, as its overacted zeal was certain to produce a similar feeling on its opponent. Though he deeply deplored the recent violence of the people in different parts of England; yet, on the other hand, he was not exclusively jealous of the danger proceeding from that source. He viewed with equal suspicion the conduct of government and the steps which they were taking, by the adoption of coercive measures, to suppress those liberties to the enjoyment of which the people were justly entitled. Upon these general grounds he was led to express his alarm at the system which was pursuing, and to state how unwilling he was to consent to any alteration in the law of the land which tended to abridge the liberty of the subject. He would now explain the particular reasons which induced him to be hostile to the bills immediately before the House. He thought it unnecessary to make any observations as to the known advantages of the liberty of the press, or as to its being the palladium of freedom, and a tower of strength to resist military force or despotic ambition. The force of these truths time had, it might be supposed, already impressed conviction on the mind of every man. But it was not when the enemy was before the gate, and ready to possess himself of the strong hold, that such a general declamation ought to be applied. He most solemnly believed, that the present measures went directly to violate that hitherto sacred privilege, the freedom of the press. By that privilege every man possessed the right to publish what he pleased, without any restraint previous to publication. After publication, he possessed the right, if charged with a libel, of having that question, both as to the law and the fact, ascertained by a jury. These might be considered the abstract rights of a publisher; and, in the best times of our history a disposition prevailed to interpose strong preventatives against the abuse, without an infringement of the principle of the privilege. At various times, no small degree of ingenuity had been exercised for the purpose of making that abuse the ground of depriving the people of the right altogether. The law of England was on this head sufficiently severe; for it not only imposed, in cases of conviction, fine and imprisonment without limitation, but it also left in the discretion of the judges the power of calling for recognizances, even, as had been seen in a recent case, during the life of the offender. A criminal prosecution was not held as a justification, nor admitted as evidence in extenuation; and until of late the attorney-general had the power of holding a prosecution over the head of a publisher, *in terrorem*, for an indefinite period. These powers he really thought quite adequate to the suppression of every offence which might be committed. Various new powers had, however, been required. The first of these was an increase of punishment after the second conviction; the second, that after convictions, a power should exist for searching for libels; then there was a stamp-duty upon all small publications; and above all it was required, prior to publication that persons intending to publish should enter into personal recognizances, and find sureties for the payment of any fine which might be imposed upon them. With regard to the first point, he should only repeat the observation, that the law as it existed was sufficiently severe in itself, without any addition whatever. In fact, it never had been exercised to the extent of which it was capable. It appeared to him that the additional punishment for the second offence would only tend to create a difficulty in obtaining a verdict for the first; and though banishment might have been very good in the time of the Star-chamber and the Stuarts, he did not think it applicable to the present times, and he trusted they would never live to see its re-establishment. It was a punishment which in Scotland had been called into action; and during an unhappy period, it had also been known in Ireland; but, since the Revolution, it had been unknown to the law of England. The hon. and learned gentleman had spoken of

banishment as being more mild than transportation. To rich offenders it might be so, but to a poor man, he thought it would be the reverse; because, if transported, his expenses would be paid to the place of his destination by government, and when he arrived there he would be sustained by the same means; whereas, if he were banished to a foreign shore, he must either continue to libel his country to obtain bread, or die a disgrace to his country for the want of bread. The experiment of enacting transportation for three years for such offences, he believed, had been tried; but not a single individual had been condemned to that penalty. With regard to the right of searching for libels, he thought this involved a power pregnant with the greatest hardship. The search was not to be confined to the libeller alone, but by an order of the court, it might be extended to any other person, whose drawers and papers might be ransacked in search of a squib, or a newspaper, or a pamphlet, which might have been pronounced a libel: that was to say, every printer and publisher in England was liable to an arbitrary order of a court of justice, and to an inquisitorial power to search his premises and papers upon the most trifling grounds. It was impossible to view this clause without feelings of the strongest disgust. Upon the subject of the third point, he saw nothing against the principle of imposing a stamp-duty upon the sort of publications which had been described; but he did think such a measure would be found to have a disadvantageous effect; for while, as he admitted, it would lessen the circulation of pernicious works, it would also suppress many publications of the most beneficial character. The most obnoxious of all these powers, however, and that to which he had the strongest objection, was that which called upon the publisher to enter into recognizances, and to find sureties for his ability to pay any fine to which he might become liable. He did conceive that this power was subversive of every principle of the constitution, because it amounted to nothing less than a restriction before the printing took place. It was, in fact, a species of censorship, which, if adopted, must tend to destroy that liberty of the press, the preservation of which had hitherto been considered the great bulwark of our liberties. It was a dangerous precedent, against which it was impossible too forcibly to contend. The principal defence which had been set up in favour of these measures was their necessity. Necessity, he thought, was a very doubtful plea, which ought not to be allowed, at least without the most serious deliberation. Why, he would ask, had not the existing laws been acted upon? Why were not the powers which those laws gave applied to the evils which had been stated to prevail to an alarming extent? Before any new powers were granted, he thought it was the duty of the House to see that the old ones were insufficient for the purposes of public justice. In 1818 not a single prosecution had been instituted by his majesty's attorney-general; and in 1819 only one person had been brought to trial, and that individual who had been so brought to trial had been severely punished. During the whole of this period, blasphemous libels upon blasphemous libels, seditious libels upon seditious libels, had been published in rapid succession, and yet no step had been taken to suppress them. To what was this apparent want of energy to be ascribed? It was not difficult to trace it to its true source. It was thought convenient to bring the liberty of the press into disrepute, in order that by its frequent abuse it might be put down altogether. He had heard also of improper prejudices being excited against these measures. He denied that any such improper prejudice had influenced his mind; he was decidedly against any permanent alteration in the law of England in the most trivial particular, and above all against an alteration in one of the most essential parts of our constitution. For these reasons, so imperfectly stated, he should feel it his duty to vote against the further progress of these bills.

Mr. *Marryat* observed, that the arguments urged in favour of the bill sent down from the House of Lords (which was so connected with their own bill that it was difficult to keep them separate in the present discussion), were of a very curious and extraordinary nature. The hon. member for Somersetshire supported it, because it did not affect the trial by jury; and by a parody of reasoning, if a bill was brought in affecting the trial by jury, he might support that, because it did not touch the liberty of the press. He considered the trial by jury, and the liberty of the press, as the great bulwarks of British liberty, and therefore would

maintain both. An hon. and learned gentleman below him, had commended the bill, because it imposed what he called "decent shackles" on the liberty of the press. Those who imposed shackles might perhaps consider them decent; but what do those think who are to wear them? The question was answered by the numerous petitions against the bill which lay on the table of the House. The learned sergeant further approved of the bill, because it did not touch the author of a libel. Now, this was, in his opinion, the strongest objection to it, because it thus inflicted pains and penalties on the wrong party; it subjected the printer and publisher to the vengeance of the law, while it permitted the author, who sat down wilfully and deliberately to the composition of the libel, to escape with impunity. It punished the unconscious and innocent instrument, while the guilty principal was unnoticed. Such a law appeared to him not only repugnant to reason and justice, but contrary to the established usage and custom of the House. No longer ago than last week, complaint being made of a libel as a breach of privilege, the printer was summoned to the bar, and on giving up the name of the author, was immediately suffered to go free, and the author incarcerated under the Speaker's warrant, issued in conformity to the order of the House. The clauses in the same bill which subject printers and publishers of libels to transportation for a second offence, and if they return before the time is expired, to death itself, make no distinction between an unintentional error and a wilful crime; and were framed in so revolting a spirit of severity and injustice, that he could not give them his support. He was far from saying that this bill contained no provisions of which he approved. The clauses which authorize the seizure of libels after the conviction of the publisher, appeared to him extremely proper, and might, with great propriety, be introduced into the bill for restraining the abuses arising from the publication of blasphemous and seditious libels, which originated in their own House, and which, to use the words of the learned sergeant, to whom he had before alluded, imposed much more "decent shackles" upon the liberty of the press. In his view of the subject, the House ought to adopt this mode of proceeding, and show their reprehension of the outrageous clauses contained in the bill on which he was animadverting, by throwing it out on the second reading.

Mr. *Denman* said, he could not suffer this bill, which formed a branch of that system of coercion which had been adopted by his majesty's ministers, to pass, without calling upon those who had already done much towards the promotion of the system to which he alluded, not now to do that which would have a tendency to change the whole system of the law of the press of England. If any thing could increase his repugnance to the proposed bills, and to the pretexts under which they had been introduced by their authors, it was to find them defended by such men as the hon. member for Somersetshire, and his hon. and learned friend, gentlemen who were considered under the denomination of impartial, and as holding the balance between the two great parties who divided that House. If that was the course such men intended to pursue, and on such grounds as they professed, it were better that the popular branch of the government should abdicate its functions, and leave the interests of the constituency at once to the mercy of the ministers of the Crown. In all the former measures that were discussed, it was both degrading and mortifying, when so much stress was laid upon shadows, and such a disregard of principle, to see that body, which was called the House of Commons, holding no one principle in common with the great mass of the people of this country. It appeared to him that the two bills before the House, although different in their object, were yet the same in spirit. He should, however, consider them separately; and at present should confine himself as much as possible to that before the House. The present subject for their consideration was the Stamp Duty bill. The principle of this bill, he contended, was altogether new, and had the direct tendency of an *imprimatur*. He entreated gentlemen not to allow themselves to be persuaded that this enactment would do but little. He saw throughout the whole course of the measure, while it would be ineffectual in its operation, it would be mischievous and oppressive to individuals. He alluded particularly to those shackles which it would impose upon respectable booksellers (shackles which could never have entered their contemplation when they engaged in that profession) by calling upon them to enter into recognizances of 300*l.* in London, and 200*l.* in the country, be-

fore they could commence business. This principle, if once recognized by parliament, would only be the prelude to harsher and more severe measures—extended from time to time, until the right became altogether extinguished. The more respectable and wealthy part of the booksellers might not feel them; but they were decidedly injurious to the industrious and less wealthy. Another clause to which he thought there was also infinite objection, and from which there was every reason to apprehend danger from its abuse, was that which gave to a single justice of the peace the power of determining what were the offences proscribed by the act; as well as the violent, arbitrary, and unprecedented power of levying a fine at his discretion, and searching the House for copies of libellous publications. Why, the magistracy of the country were already encumbered with the duties imposed upon them by specific provisions in this new series of legislation. If, in addition to these they were called upon to search for arms by night, upon informations which might be laid before them, to attend public meetings with an armed levy by day, and not alone to impose fines which might be incurred under the Stamp act, but also to search for and secure copies of those works which might be characterised as libels, he would only ask, whether for the performance of these multifarious duties they would not require a salary? What would then become of the panegyrics upon the unpaid magistracy of England? Was there any man or order of men who would gratuitously give up their time, and submit to the shackles which these duties would impose? It was true that they might receive additional power; but would this compensate for the odium which they would incur in carrying these acts into effect? But if it were alone because these bills extended the power of magistrates, he thought they ought not to pass. Let the House, and particularly those gentlemen, who from a strong feeling of the extent of the public irritation, had supported ministers in passing these alarming restrictions on the liberties of the people, consider whether they had not already approached the limits of confidence—let them reflect on what they had already surrendered to the Crown. They had already given up the right of search into houses in words so large, vague, and indefinite, that any man could construe them as he wished. This alarming infringement was to be acted upon in seventeen counties on the oath of a single informer. They had abridged the right of petition, so as to leave but the shadow of that right. They were now, in terms at least, a svague as those in which the former measures were couched, increasing the penalties of the law in cases of libel, though the existing law, when acted upon by the law officers of the Crown, was found fully adequate to its objects. In 1819, Mr. Carlile, after the continued publication of blasphemous libels, was at length brought to trial, and the verdict of his jury vindicated the efficiency of the law. How, then, could it be said, that after the acquittal of Mr. Hone no jury could be found to execute it? But upon what grounds was the assertion made? What man of common sense who did not see the distinction between the two cases? What man of common feeling would argue that, taking the nature of the offences imputed to each because Mr. Hone was acquitted Mr. Carlile would not be convicted? If, however, there existed heretofore any doubt, they had now the authority of juries that the publication of blasphemy was against the law, and would, when prosecuted, be put down by their verdicts. The court of King's-bench had conducted itself as was befitting the first court of jurisdiction in the country.—If, indeed, in these times the sinking liberties of the country had any stay, it was in the dignified sense of duty which characterised its superior courts of law. He regretted he could not speak thus of the magistrates. If ever there was one time in which the judges of the land deserved its highest approbation, it was from their conduct within the last two months: while within the interval of the last three months the magistrates did every thing but their duty. He had no doubt that they lent themselves to the views of the government, and acted upon its orders. Was not this violation of duty to be seen in the first step of their inverted career, when they dispersed a peaceable meeting by military execution? Was it not to be traced in the thanks, on the part of ministers, which followed the violation of duty on that painful day? It was a mockery to desire the aggrieved to apply to grand juries or to legal process, when the constitution had to be vindicated. If the magistrates of Manchester acted, as he thought was undeniable, under the

orders of the ministers, they ought to be removed, and the head of the home department ought to be impeached, setting aside altogether the legality or illegality of the conduct of the meeting at Manchester. But, adverting to the present bill, would any man say that there ever was an instance in the legal History of England where previous security was demanded in a case of that description? An hon. member had referred to cases of excise, where security had been given for the payment of duties and fines that might be incurred. Could such examples bear the remotest analogy to the exercise of the right of free discussion? The hon. member had referred also to the period of the Star Chamber, and the reign of Charles 2nd. It was right in those who supported such measures to look to such precedents, for they were measures that led directly to the return of such times. But it should be recollected that the Licensing act expired in the 5th William 3rd, and except a short revival shortly after, had never been renewed until the present day. The shape it now assumed was an anomaly in our law; it could not be called *imprimatur*; but as directed against the person, and not the work, it was an *imprimat*. If it was not enough to excite the jealousy of the House of Commons, to say the principle was entirely new in our law, he was ready to admit he had no other topic on which to address them—he had no precedents to which he could apply. He should not enter into the other act of parliament for the present, except to negative the assertion in the preamble. In the preamble it was stated, that the laws were insufficient to suppress blasphemous and seditious libels. This he totally denied, for he believed the law was perfectly sufficient. The case of Carlile was demonstrative of this assertion. Had those laws been put in force, he had no doubt all necessity for applying to parliament on this subject would have been obviated; but in 1818 not a single information was filed; while, in 1819, when a great variety of charges were exhibited against Carlile, he was convicted, and was now imprisoned in Dorchester-gaol, where, at least during the term of his imprisonment, he would have no opportunity of repeating his offence. The whole of the new class of measures proceeded on the erroneous principle of meeting the public mischief. That was the great mistake. They were of sovereign efficacy in alienating the minds of the sound and the enlightened, but with respect to the suppression of the abuse, more inefficient means could not be devised by the most absurd dabbler in legislation. Again he conjured the House, and particularly those who gave confidence to the ministers, under the influence of the public alarm, to pause, and to reflect on what they had already gained at the expense of the constitution. They might, it was true, bring to the decision the same overwhelming majorities; but let them recollect, that their numbers did not change the character of events—they might push that confidence to the extremity of alienating from the government the respectable, the neutral, and even the timid, who, awakened from their alarm, could not approve of this great permanent change of the law. But severe as it was, it would not have the effect of effecting that which its proposers contemplated, unless they put a dagger to the throat and wrested the pen from the hand of those who could write. Did the infliction of the punishment of banishment in France, from whence the principle had been taken, stop the publication of the pamphlets against which the punishment was devised? They were smuggled into France in defiance of the law, and contributed more than any other publications to the successful progress of the revolution. Did those who supported the present bill imagine that these libels would not be published at some neighbouring part of the continent, from whence, at a less expense of printing and paper, they would be introduced into this country with all the additional merit of the martyrdom incurred, and with all that demand from curiosity, which was certain to procure it a market? He again conjured those hon. members who had hitherto voted for the measures which had been introduced, to consider whether they had not done enough, and whether every step they were taking, they were not plunging deeper into difficulties, and separating the great mass of the people from that community of interest which ought at all times to subsist between them and their representatives.

Mr. *Dickinson*, in explanation, denied having made any allusion to the proceedings of the Star Chamber in the observations which he had felt it his duty to submit to the House.

Mr. *Bankes* was most anxious to ex-

press his opinion upon the subject under consideration. An hon. and learned gentleman had called upon those who were not particularly or more immediately attached to administration and their measures, to say whether that House had not done enough? He would, for one, answer him: he would say, that the measures which they had already passed were such as were calculated to secure the tranquillity and peace of the country. But he thought also, that their work would be incomplete and insufficient, if they stopped here. In his opinion, much remained to be done. The measures which had been already passed were indeed, in his opinion, essential to the maintenance of our liberties, and to the salvation of the state. But he declared, that the mischiefs against which they had been before guarding, appeared to him comparatively unimportant; and that they were now dealing with that which was the mainspring of all the evil; which, if they neglected to regulate, they left a mine which was working gradually and surely, and which would in time blow up both the government and the constitution of the country. They could not stop where they were. It appeared to him that the abuses of the press had grown up so as to create a monstrous degree of mischief, and such a state of danger and alarm, as to call for the instant interference of the House. Those who spoke of the freedom of the press, as now conducted, as being so necessary to the conservation of the public spirit, the happiness, and prosperity of this country, seemed to him to take an erroneous view of the subject. They argued from the effects of the press at former periods; but the press of former times was not like the press of the present day. Those hon. gentlemen who talked of a free constitution, and referred to those elementary writers upon the constitution, who had been quoted as affirming the necessity of upholding it in the same form as it had existed before them, forgot that there was no sort of parallel between the times when those elementary and accredited writers had delivered their opinions, and the present. Mr. Justice Blackstone, among other authors, had spoken of a free press with a warmth and energy which became a constitutional lawyer; but he would venture to state that Mr. Justice Blackstone never could have contemplated the increase of the tracts and publications of that nature which they were now called upon principally to consider. Those who had lived previous to the French revolution, must recollect how very limited were the number of newspapers compared with the present day. At no very distant period there was only one daily paper, and as to tracts of that mischievous tendency with which the country had been deluged, nothing of the kind was known. The facility with which news-papers were circulated through the medium of the post, was also of modern introduction. When all these things were considered, the House would perceive that the state of the press as regarded the increase and spread of every kind of tracts could never have been imagined 50 or 60 years ago—the time at which such opinions upon the constitution as the hon. and learned gentleman had alluded to had been promulgated. Among the other excellencies of that constitution, it had ever been considered one of the foremost, that as political offences or evils arose, it provided a remedy for each of them, without investing the executive with new powers, but by the adoption of a prescribed and regular course. But had this not been the case, and had the present evil required some new method of legislation, he really thought the danger so extreme at the present moment, that he would have voted for it. He would proceed to show by historical references, that the press had at former periods, for a considerable series of years, been under far more arbitrary restrictions than those suggested by the present measure. He totally denied the doctrine that the press of this country had ever been wholly free and unquestioned. It first issued, as he might say, under the authority of the Crown; it existed as from the Crown; it was the creature and engine of the Crown. Till the time of Charles 1st the press was regulated by the Star Chamber. The odious judicature of the Star Chamber was abolished, together with the other public grievances, previous to the Commonwealth; but a very slight alleviation of the rigours which it exercised was allowed the subject, and that was done afterwards which is usually done by usurping governments—the republicans re-established the regulations with regard to the press, and in 1637, placed it on exactly the same footing on which it had stood four years before, and according to the Star Chamber decree. On the Re-

storation, it was found necessary to adopt some measures to prevent the dissemination of seditious and irreligious works, to the production of which such excitement had been given by the recent violent changes in church and state; and not long after the return of Charles 2nd a statute was passed, founded on the parliamentary ordinances, and ultimately the decree of the Star Chamber before referred to. It was revived once more, and all this which was supposed to be so fundamental an article in our rights, without which our liberties could not exist, and which was said to be the most precious part of our freedom, was placed under the ancient restraints. The 1st of James 2nd, established very much the same as the former ordinances of parliament, which, as he had already said, were founded upon the regulations of the Star Chamber. Now, how stood the matter in the bill of rights? One would naturally have expected, that if the unrestrained freedom of the press formed so essential a part of those liberties which were confirmed by the bill of rights, we should find the freedom of the press recognized in the very front of them. But there was not one word to be found about it in that bill. In the thirteen articles of which it consisted, every grievance, as it was well known, was mentioned in an open and explicit manner, in order to its redress; but the freedom of the press was not noticed as being aggrieved by the existing law. He should take the liberty of telling the hon. and learned gentleman how the matter stood. Four or five years before the end of the reign of Charles 2nd it did so happen that the act for the regulation of the press expired, and was not re-enacted.—James 2nd found it very necessary for the support of the power he aimed at establishing, and accordingly it was revived for a term of seven years; consequently the Revolution, when it took place, found this act in existence, and in a very flourishing state.—He prayed the indulgence of the House—he was endeavouring to point out that at the time of the Revolution a censorship over the press was a grievance in existence, and that of the strictest kind, so that he believed a stricter never was established even under the inquisition, and it was left in existence. But it might be said, that as it was to expire in a few years, the repeal of it then was a matter of no great concern. However, how stood the fact? When the period fixed for its continuance elapsed, the statesmen of that day did not think it quite safe to suffer it to expire, and accordingly renewed it in the 3rd and 4th William 3rd and Mary, and in its full integrity, for one full year, and from thence to the end of the next session of parliament. It finally expired in the year 1694, and from that time till now the press of England had continued unrestricted. But if the hon. and learned gentleman would look, he would find that the Crown made three or four attempts to re-enact it in the same reign. He would see that in 1698 a bill for the purpose was actually brought down to this House from the House of Lords, where it had passed; that it was read a first time, but on the motion for a second reading, negatived without a division. He wished to show that, at the era of the Revolution, an event which had been so greatly and justly admired, as improving and perfecting our constitution, and which had been productive of the greatest possible benefits to posterity, the House of Commons had not been so much alive to the necessity or prudence of establishing the liberty of this instrument of literature and science —and that the government did not willingly suffer it to expire at the time it had. And who were the persons composing that administration? those who, he supposed, were the natural admiration of the Whigs of the present day. He presumed, that if he were to ask those hon. gentlemen who most strenuously opposed the present measure, they could not give a better definition of a genuine Whig than by referring to those Whigs who brought about the glorious revolution as the examples. It might well be asked, then, what were the restrictions tolerated by the Whigs of that day? The first of their bills prohibited the printing or publication of any thing whatever which might tend to bring into scandal the government of the church or state, or any other individual or corporation whatever. Now, the House would see how much farther these expressions would tend to carry the offence than any thing which the present measure went to do; because, by the word government, clearly those might be intended to be meant who in any way were a part of it. [The hon. gentleman then recapitulated a variety of clauses, the principal of which enacted, that every print, engraving, and ballad, should have the printer's and engraver's

name affixed, on pain of every such print, engraving, ballad, &c. so engraved and printed, being seized, and the presses, &c. broken up and destroyed; that there should none enter into the trade of a printer, until the number of master printers then in business should have become limited to twenty, and that of letter-founders to four; that the trade should be supported by all future nominations or permissions to enter it being in the name either of the archbishop of Canterbury or the bishop of London; and that the number of apprentices which a master printer might be permitted to engage should be three, and those that a master founder might employ two, and no more.] So much for the freedom of the press in king William's days. The House had heard much about a search for arms by day and night as being not only an odious, but a new and unheard of proposition. Shortly, however, after the bill which he had just described, another was introduced by which power was granted to search for books, printed secretly at any time, by warrant under the sign manual, or signed by the secretaries of state, or by the wardens of the Stationers' Company. There was an exemption, that the houses of Peers of the realm should not be searched except by special warrant under the sign manual, or by two secretaries of state; and as the bill referred to all books printed after 1662, the subjects of the realm were to be subject to that law for the space of four years. As to the rigour of punishment, for the first offence the defendant was sentenced to a suspension from exercising his trade for three years; for the second, he was not sentenced to banishment; no, but he was for ever disabled from pursuing his trade, subject to fine, imprisonment, and other corporeal punishment at the discretion of the court. He had referred to these historical facts with the view of showing what were the principles by which our ancestors had been governed. Yet gentlemen talked of there being no precedent for a measure like the proposed one. He was convinced that the root of the evil would not be arrived at by fining the author or printer with the penalties, so well as if the penalties were attached to the publisher, because the mischief was done by the publications being permitted. The mischief was done, inasmuch as it was not possible, after the publication, to put the country in the situation in which it was before. He would appeal to those around him, whether they thought society could be benefitted by the cheap tracts, which spread among the lower classes, especially those employed in manufactures and agriculture, discontent and sedition. He saw gentlemen who were agriculturists; would they consider it desirable that their labourers should be assembled together in the field to hear Paine's Age of Reason read to them, or other publications, which he had seen with much disgust, such as The Black Dwarf, and tracts of a similar nature and tendency? Would gentlemen engaged in manufactures, wish to see their workmen, after the labour of the day, convened for such purposes? Surely not. If, then, it was admitted that such practices were pernicious in individual cases, it could not be contended, that they would be beneficial for the community at large; and was it not desirable to repress the circulation of those doctrines which threatened to destroy the public morals, and to endanger the public security? He begged to remind the House that it behoved them to watch narrowly the progress of an evil which threatened the destruction of property, the demoralization of every class of men, and consequences altogether dreadful; he conceived it their duty, as had been said, not to pause inactively, but to provide against that which, if not checked in time, would, ere long, overwhelm them all. Could that be good which tended to destroy the present comforts of all, and which led to consequences the most deeply to be lamented of any that could befall the human race? It was the duty of parliament—a pressing and imperative duty—to lay the axe to the root of the evil; to suppress the press—he meant the abuse of the press—an abuse which if not suppressed, would, ere long overturn every establishment in the country. No institution, however wise or valuable; no constitution, however venerable or sacred, could bear to be constantly brought into contempt, and loaded with slander by every base and desperate scribbler, who, without compunction, scattered abroad his virulent and destructive poison. One great source of the evil—and in saying so, he was aware that he differed from many persons for whose opinion he entertained the highest respect, and above all, from an hon. and dear friend near him—but to him it appeared that one great source of

the evil was the extent to which the general education of the lower classes had been carried, and which certainly tended to the establishment of a state of society not contemplated in former times. To enlarge the understanding of the people —to give them capacities for the reception of knowledge, was worse than useless, unless especial care was taken what kind of knowledge was communicated to them. Those who had a capacity for good, had also a capacity for evil. The mischief of erroneous knowledge was, that it set those men by whom it was obtained above control; and that it made them conceive themselves wiser than those around them, either because they knew more, or believed less. This was the mischief; and it behoved the legislature to take great care what issued from the press at a period when the people at large were so capable of comprehending the information—salutary or pernicious—that was imparted to them. The existing situation of things, had never before been known in any age or country. To a new case, new remedies must be applied. Parliament were adopting the best measures that were suggested to their minds. If he had any doubt on the subject, it was whether those measures would be effectual—whether they went far enough. He confessed that he was inclined to go much farther; for he always considered that it was much better to endeavour to prevent crime than to punish it when committed.

Mr. *Abercromby* observed, that the early part of the speech of the hon. gentleman who had just sat down, was not at all applicable to the question. It might have, with propriety, been urged to a radical meeting, but not to that House, that the present age had rights and advantages which were not enjoyed by our ancestors. He was quite willing to allow that no argument in favour of the liberty of the press was to be deduced from a reference to the ancient periods to which the hon. gentleman had adverted. He had listened to the hon. gentleman with great attention; but really he had been at a loss to discover what were the hon. gentleman's intentions, till the last part of his speech, when some new lights broke in upon him, and did seem to discover something like them. After observing upon the extensive influence of the press, the hon. gentleman had proceeded to regret what the country had, with so much honour and credit to itself, done for education. But whatever were the hon. gentleman's regrets upon that head, he could assure him, and the friends of the cause might rest satisfied, that the system of general education had made far too great a progress to be ever affected by any thing the hon. gentleman could say. And as to what had been the case in former times upon which the hon. gentleman had dwelt so much in his speech, as regarded the freedom and the penalties of the press, if it proved any thing, it proved a great deal too much for the hon. gentleman's argument. If he were asked with reference to the dearest and most precious right of the people of England, he would not be so rash as to say, that he could not find out instances in our history in which it might have been violated; but neither could he help remarking, with respect to the precedents cited by the hon. gentleman that the Habeas Corpus act was not then in existence. If the practice of former years were to justify violations of liberty; if the hon. gentleman's notion of the British constitution was accurate, then all that he (Mr. Abercromby) had been taught on the subject was erroneous. He had always been taught that it was the peculiar virtue and excellence of the British constitution, that it was—not the fabric of a moment, but the result of the aggregate experience of ages. And what kind of argument was that, which, after the people had freely enjoyed a right for 100 years, turned suddenly round upon them with a reference to a period of their history when that right was subject to more restraint than at present? The hon. gentleman had for a moment talked of suppressing the press; and although he immediately corrected that phrase as an unintentional error; yet, remembering as he did, that when the noble lord opposite introduced the succession of measures which had been submitted to the consideration of parliament, he said that he was not going to deprive the country of the benefit of trial by jury, he could not help paying some attention to such successive lapses of expression, and especially as shortly after the hon. gentleman expressed his regret that ministers had not gone far enough. This, indeed, he himself had heard with regret, especially when he looked to the state of the press at this moment. He must, indeed, admit the very alarming extent and increase of publications intended

to disseminate abuse of religion, and to instil principles of sedition and rebellion, and doctrines which could only end in confusion and destruction. But while he admitted this, was he bound to come to the noble lord, and the hon. gentleman's conclusion? Was it necessary to amend the laws? Before he could allow this last position, he must ask those who maintained it to prove to him that the old laws were inefficient. He wished to know what could be alleged in excuse for the supineness of the law officers of the Crown, in not trying the old laws before they called for new enactments? Would they excuse themselves on the plea that juries, who had taken a solemn oath to administer justice, would so forget their oath and their duty as to refuse to convict, although convinced of the transgression of the law? This had not been stated, and he could not admit for a moment such a calumny on the character of juries. Would it then be maintained, that juries were so far imbued with the principles and opinions of those who libelled the government and the religion of the country, that they could not perceive or acknowledge the wicked tendency of the libels on which they were called to decide, and were disposed to take part with the libellers rather than to give verdicts against them? This likewise he entirely disbelieved. Such charges must receive some countenance from experience, before he could admit them as an excuse for legislative interference. Before he could agree to any abridgment of the freedom of discussion through the press, he would require evidence to show that juries allowed persons to escape with impunity, in refusing to convict on substantiated charges of blaspheming religion, and of libelling the king, the government, and the legislature of the country. Till he saw this done, he would not agree to take a step in framing new enactments, and would complain of the present measures of ministers as an attempt not to supply defects in the law, but in the administration of the law. Without having the most clear and satisfactory evidence that the existing laws were insufficient, he would not consent to exercise further the power of legislation. Such was the ground which he occupied in his opposition to the present bill; and to the argument which he had now used, no answer had been made on a former occasion by his hon. and learned friend the solicitor general. He would conjure the House, therefore, to pause before they gave their sanction to an arbitrary and severe enactment, supported by no necessity, and justified by no plea of sound policy. Let them consider that the law, if not strong enough before, had received additional force by bills now in progress through the House. He alluded to the Traverse-bill, by which the administration of justice, in cases of misdemeanor, would be expedited, and new terror struck into offenders by seeing punishment follow more quickly on the heels of transgression. As a part, likewise, of the same system, he might allude to the libel bill, which would be discussed to-morrow, by which a heavier penalty was to follow a second conviction for libel. If the reasons on which the ministers rested the justification of a claim for new powers had any foundation, namely, that juries would not convict, of what use was it to enact a punishment of greater severity? If ministers could not obtain a first conviction under the law as it stood, how were they to obtain a second for the application of their new penalties? He admitted that the evil complained of existed to a certain extent, but the cause of it was, as he had before stated, a want of a due enforcement of the law. It was curious to observe how publications of an objectionable nature had increased lately. If he were asked the cause of this, he should at once answer—impunity. No attempt had been made to punish the authors of these publications, and they naturally increased. There were always to be found men who were ready to put forth such publications, as well as persons who were equally ready to purchase them. But if the law had been properly enforced, the evil would at once have been put an end to. Under these considerations he felt it his duty to oppose the bill altogether.

Mr. *Bennet* said, he could not refrain from offering a few observations on the measure now before the House, and the extraordinary manner in which it had been supported. The bill itself though objectionable in every point of view, did not appear to him nearly so alarming as the speech of the hon. member for Corfe-castle. There never, he believed, had been a speech delivered within the walls of parliament of so unconstitutional a nature since the enactment of the arbitrary statutes which it described. The hon. member had collected the severe and

tyrannical acts of former times, as a justification for similar measures now; but his inference, if good for any thing, would go too far. There never, he believed, had been wanting precedents for tyranny, and if precedent was to be all-sufficient, without reference to its quality, why did not the hon. member instead of merely going back to the reign of Charles the first go a little farther back, and quote the statute of Henry 8th, which arrogated to one branch of the legislature the powers of the whole, and made the king's proclamation equivalent to an act of parliament? If the hon. member wished to establish a principle of despotism at present, that period would serve him as a precedent. He confessed that he thought he saw this principle lurking behind the hon. member's speech. But the approbation of tyrannical enactments was not the only thing that surprised him, in the speech of the hon. member for Corfecastle. The hon. gentleman by his language seemed to regret the progress of education among the poor, and to consider them deteriorated as subjects, the more they were improved as men. In regretting the progress of education the hon. gentleman must likewise regret the progress of religion and morals, for without education the blessings of religion could not be understood or appreciated, and the duties of morality could not be taught or practised. The hon. gentleman himself, if he ever took a view of the state and character of the poor in his own vicinity, must have observed that the amelioration of their hearts and conduct kept pace with the improvement of their minds; and he would appeal to those gentlemen who were connected with the manufacturing districts, whether that part of the population that was best educated was not likewise the most moral and religious, and whether there had not been an evident improvement in their character since they had more generally obtained the means of instruction? It seemed to be one of the ordinations of Providence, that knowledge and moral improvement should go hand in hand; that men by becoming more extensively acquainted with their duties to God and man should be inspired with a stronger desire to perform them; that a capacity for seeing the obligations of virtue and religion should lead to their practice; and that the power of reading and understanding the scriptures should lead to greater regularity and purity of life. It had sometimes been made a matter of dispute out of doors, whether education should be given generally to the poor; and some by insidiously opposing the best schemes for propagating it, had practically decided the question in the negative; but this was the first time that he ever heard it insinuated in the House, that the education of the people was an evil, and that ignorance was the remedy to be applied. He could not hear such extraordinary and dangerous doctrines advanced in parliament without entering his protest against them. He could not believe that a qualification which rendered the poor capable of understanding their duties, and of partaking of the blessings which the Gospel offered, was a thing to be deprecated; and be little expected that a member of parliament would in his place have stated an opinion so opposite to that of our excellent and afflicted monarch, who said, "he hoped to see the day when every child in his dominions would be able to read his Bible." It would appear that the hon. member did not participate in this wish; that he was against the education of the poorer classes of society; and therefore, that he would shut them from those inlets to knowledge and to happiness which that holy book afforded. With respect to the bill the before the House, he would never agree in its policy or necessity till the existing laws had been tried. He allowed that there were both in the metropolis and in several towns in the country shops for the sale of libellous works but he contended, that the evil to be apprehended from them had been greatly exaggerated. Such offensive publications had not so extensive a sale as had been stated. It had been mentioned, that the blasphemous works published by Carlile had been extensively circulated in two of the northern counties (Lancashire and Yorkshire) where the doctrines of radical reform were prevalent, but he had heard from the very best authority that a few hundreds only had been sold in these quarters before the prosecution, and that about 1,500 copies which were purchased after the prosecution had commenced had been purchased more from curiosity than any leaning to the infidel tenets that they promulgated. He had it likewise from the best authority, that as soon as the blasphemous nature of these works was known; it inspired such disgust as to stop the sale long be-

fore the law interfered. An hon. and learned gentleman opposite had on a former night maintained that the present change in the law was necessary, as the old law could not check the evil. But had the law been attempted to be executed? Where was the evidence of it? In 1818, there had not been one ex officio information. Blasphemous and seditious libels, so far from having increased after Mr. Hone's prosecution had actually diminished. They were fewer in 1818 than in the preceding year, and only increased in 1819 by the impunity allowed them. Where then was the evidence for the assertion, that the acquittal of Mr. Hone had extended the mischief, and proved that no conviction could be obtained from a jury against blasphemous libels? The acquittal of Mr. Hone proved nothing against the success of a prosecution for blasphemy, sincerely undertaken and wisely pursued. It only proved, that in that case a charge of blasphemy was brought against one who had no intention to blaspheme; that his object was merely political, and not religious; and the jury did not see why he should be adjudged guilty of a crime which nothing proved he had committed, while statesmen and divines had used the same weapons before him, without ever exposing themselves to the same accusation. In his defence it had been proved, that men of the most religious character, during the period of the reformation and of the civil war, when religion was almost a mania, had written parodies on scripture without incurring the charge of blasphemy. After animadverting on the conduct of the jury, the hon. and learned gentleman allowed himself to throw out insinuations against those who extended their protection to Mr. Hone after his acquittal. In answer to such insinuation, he would say, that there never was a fouler slander uttered against men than this—that those individuals, who aided Mr. Hone's subscription, had any intention of injuring religion by extending their protection Mr. Hone. They entered into a subscription for that individual, not because they conceived him guilty of blasphemy, but because, believing him innocent of that charge, they detested the base and hypocritical attempt to punish political hostility under the pretext of an offence against religion, and because they conceived him to be a persecuted man, who did not merit the treatment he received. Let not, therefore, insinuations of this sort be thrown out against men who were distinguished both for the purity and integrity of their private life, and the consistency of their political character. The hon. and learned gentleman should consider well before he cast such a slur on the conduct of honourable persons whose characters he could not hear slandered without endeavouring to repel the charge. With respect to the present bill, he felt himself constrained to oppose it. He opposed the stamp duty on the publications that would be affected by it, as it would raise the price of knowledge to the poor, and those whose improvement was derived from the readings of small tracts. The great mass of the people, thanks to the system of extravagance that had been followed by their rulers, could not purchase the useful writings that now circulated among them, if subject to the duty. If the bill passed, it would be saying to the poorer classes of the community, "you ought not to possess the means of moral and religious instruction." While the stamp would thus press heavy on the poorer portion of society who read cheap religious and moral tracts, it would be insufficient to stop publications against which it was directed. Cobbett's Register had formerly been stamped, and he believed sold triple the number with a stamp when sold for a shilling than now without one when sold for twopence. The two-penny publications besides did not circulate so quickly without a stamp as with one, when they could be transmitted through the post office. How absurd was it to stop the circulation of good tracts, merely that bad ones might not circulate along with them. It appeared to him to be as preposterous to interrupt the sale of all small publications that the sale of bad small publications might be checked, as it would be for a person to pull out his eyes, because while they admitted images of beauty and sights of pleasure, they were likewise the inlets to appearances of deformity and sights of vice. The proposed stamp-duties would equally stop the circulation of good small tracts as bad. With regard to the clause inflicting penalties before publication it was a perfect novelty in legislation. A man was called upon to enter into securities before he was even accused of any crime. A security of no less than 600*l.* must be entered into before a man could send his opinions to the public. He said 600*l.* be-

cause though government required only 300*l.* yet the party giving collateral security must be also secured against the risk he underwent. It would ruin entirely that useful body of men who supplied cheap publications to the poor. It would throw the whole trade into the hands of the rich, and affect a privilege higher than that of trade—the privilege of every Englishman to publish what he pleased, subject only to a punishment for the abuse of the privilege to the injury of others. All the members on the other side of the House who supported this and the other restrictive measures, professed to do so from a desire to preserve the constitution. But what was the constitution? It was not the forms of the constitution that composed the constitution, but the blessings which those forms protected; in the same manner as the forms of law were not the law, or the forms of a court of justice were not the administration of justice. The constitution was only the body of rights and privileges which we enjoyed under our political establishments, and among these was pre-eminent the freedom of speech and writing. Gentlemen who professed to support the constitution, while they allowed the destruction of its most essential advantages, might live to repent the day when they drew such a distinction, and forgetting the substance adhered only to the form. This bill was the greatest invasion of the constitution, as it made it to depend upon a man's fortune whether or not he should have the right of publishing his thoughts to his countrymen.

Mr. *Wilmot* contended, that it was unfair to regard one measure separately, for they ought to be considered collectively as measures which were made necessary by the peculiar situation of the country. —He agreed with the hon. member who had spoken last, upon the subject of education in answer to observations upon that point which had been made by the hon. member for Corfe Castle.—He never could bring himself to believe that the lower classes could receive too much education,—or that any bounds could be justifiably prescribed to the extension of knowledge and the improvement of the human understanding; he thought that they might be too little educated, and that the present period was one in which advantage had been taken of their limited means of information; he thought that as in twilight objects were sometimes seen in distorted proportions, which upon the introduction of more light, assumed their true appearance, so in what he might call "the disastrous twilight" of education, false impressions might be received, which would fade away before the light of universal education.—It was to no purpose that the hon. member cited precedents of tyrannical usurpation; he challenged him to refer to the history of his country and to point out a period when equal necessity existed for these enactments. The tone and temper of the times in favour of the freedom of the press had become much more decided. It was only in the year 1795 that a printer had been brought and placed on his knees at the bar of the House for having infringed on its liberties by publishing the debates.—He thought that the analogy and spirit of those arguments which were employed half a century ago in recommending an excise on spirituous liquors, were peculiarly applicable to the present measure.—It was then said, "We will not so far infringe upon the personal freedom of the poor as to forbid their drinking spirituous liquors, but we will so far increase their price as to make it more difficult for the poor to injure themselves by so pernicious a practice." —Such was the object of those who voted for a stamp-duty upon those infamous publications of the cheap press, which tended to disorganize the very frame of society, and to make the poor doubly miserable by raising their expectations with no chance of sustaining them. The cheap press taught the poor to feel jealous of the authority of the House of Commons, to forsake and distrust their natural protectors, and to rebel against the dispensations of Providence. The agitators of the present day, if they do not actually bribe the populous with gold (which is not so certain), they at least cajole them with promises of a golden age consequent upon measures of Radical Reform, they inflame their passions and awaken their selfishness, contrasting their present with what they contend is to be their future condition,—a condition incompatible with human nature, and with those immutable laws which Providence has established for the regulation of civil society.—The friends of the people in 1794 or 5 laid it down as a principle, that those who had no property should not have the privilege of the elective franchise, because they would evidently have no common interest in the preservation of property, why not then extend the spirit

of this principle to the present question? Why should a seditious pauper be allowed to circulate, at the cheapest rate, his suggestions for a change and division of property? Let his qualification be the additional price which the reader is to pay for his treasonable absurdities. With respect to the clause of banishment, it would never take place except in very flagitious cases, and what better punishment could be substituted than to expatriate the individual who was waging eternal war against the institutions of his own country. An hon. and learned gentleman had intimated a suspicion that the magistrates would no longer be disposed to give their gratuitous assistance under the complex operation of this series of measures. He begged leave totally to dissent from him. Could he suppose that the magistrates of England would require the stimulus of a fee to prompt them to their arduous and honourable duties, If such had been their temper of mind, they would have shrunk long since from their exercise, but he felt no doubt but that their temperate firmness and unyielding exertions, their devotedness to the due execution of the laws, accompanied as it was frequently not only with the abandonment of private recreations but of private duties, would characterize their future conduct as they had ennobled their past conduct. The honourable gentleman, after other observations, concluded by saying, that it was the duty of the House to interfere, to protect the poor from delusion and falsehood.—He was a friend to the liberty of the press, and in that character he thought it would be best preserved by passing this bill to stem the torrent of sedition and blasphemy which deluged the country. He remembered some lines of Cowper, which well described the balance advantages and dangers of a free press.—Addressing the press, he says:

"By thee, Religion, Liberty, and Laws,
Exert their influence and advance their cause;
By thee worse plagues than Pharaoh's land befel,
Diffus'd make Earth the vestibule of Hell.
Thou fountain at which drink the good and wise;
Thou ever bubbling source of endless lies;
Like Eden's dread probationary tree,
Knowledge of good and evil is from thee."

It was to give full force to the cause of religion, liberty and law,—it was to prevent this once happy and virtuous country from fulfilling the denunciation of the poet,—it was to check that source of sedition and blasphemy whose contaminating waters were spreading around their pollution, that he gave his vote in support of the measure.

Mr. Alderman *Waithman* considered the present bills as destructive of the liberty of the press, and consequently dangerous to the other liberties of the country. The hon. member for Corfe-Castle had shown what sort of system this bill formed part of, by going back to tyrannical times for his precedents. An hon. and learned gentleman had accused those who aided the subscription to Mr. Hone as supporters of blasphemy. He was not in the House at the time when this charge was made, otherwise he would have defended himself and his friends against it. Imputations were not only thrown out against Mr. Hone and his friends, but against the jury by whom he was acquitted. Now Mr. Hone was acquitted, not because the jury wished to sanction blasphemy, but because they conceived that the political squib which was charged with blasphemy was not published for the purpose of reviling religion. He (Mr. Waithman) was in court during the trial, and having witnessed the ability, the fortitude, and the eloquence, with which Mr. Hone defended himself, and conceiving him persecuted unjustly, for an offence against religion, while he had only a political object in view, he was among the foremost to promote a subscription for him and his family. The present measures were subversive of the Bill of Rights, and by them the right of petition was also destroyed. The liberty of speech being taken from the subject, the present bill was an attempt to deprive him of the liberty of the press. But he would ask why government had suffered all those obnoxious publications to go on without interruption for so long a time, if it was not to form an excuse for passing these measures? It had been said, he could not tell whether truly, that some of the individuals who issued those publications actually had the sanction of the government in publishing them. He could not say he knew the fact; but some of these publications were of a nature so abominable, that several respectable individuals came to him and expressed their confidence that they must have the sanction of government, or the publishers would never have dared to proceed such lengths; and it had actually

occurred that the printers and publishers of them had been suffered to pass with impunity, while the unwary persons who retailed them were severely punished. The exemplary punishment inflicted on Carlile, one of the printers of those daring publications, in consequence of the verdict of a Middlesex jury, was a proof that the law, as it at present stood, was sufficiently powerful for the chastisement of persons convicted of similar crimes, without the necessity of enacting such extraordinary measures, which so far from confining their effects to the guilty, would involve the innocent, the honest and industrious, and prove actually ruinous to the trade of printing and bookselling. He had seen the strong and reasonable statement made in the resolutions of a most respectable community of printers and booksellers, at the head of which was the name of Mr. Butterworth, formerly a member of that House; and from those resolutions it was clearly shown, that if this bill should pass without very considerable modification, that trade must be absolutely ruined. The most innocent member of that community with the purest intentions, and with all the caution he could exert, would be constantly liable to fall under the severities of this bill, and be banished to another country, where he could not exert his professional talents for the maintenance of his family. The House had been told, that even the whigs, who effected the revolution, had sactioned the adoption of similar measures in that day. But to this he would answer, that however necessary such a measure might have been then, it was by no means so at this time. He would ask, why were laws passing year after year, infringing on the principles of the constitution, but none passed to strengthen it and secure the rights of the people? To talk of the bill of rights was a subject of jocularity and clamorous ridicule to the gentlemen on the treasury side of the House. Such a bill as the present was even in direct opposition to the principles laid down by Blackstone himself, who was notoriously a court lawyer, but who declared that no one ought to be called upon to answer for the publication of any work until it had been declared criminal by a jury. Every rational man would be led to conclude, that the more enlightened the country became, the more extensive should be the freedom of discussion on political subjects, and the rights of the people to canvass their grievances; but according to the argument of an honourable gentleman who sat before him, the direct contrary principle ought to obtain. But it was quite too much to say a measure of this kind was called for by any thing in the circumstances of the times. It would operate not only as a restraint on all political discussion, but it would deter men of genius from exerting their talents for the extension of knowledge, for fear of uttering some sentiments or principles which might be construed into sedition, a term which it did not define, and which, like the narrow limits between day and night, could not be accurately designated. A man might be convicted of sedition by one jury, and acquitted by another upon the same publication. Was it to be supposed the people of this once free country could bear such a bill?—or was such a measure the proper return to those who had fought the battles of their country, and effected the security of those who now sought to deprive them of those rights, for the defence and security of which they had so valiantly and successfully contended? Were they to be put down by this system of severities—while, as the noble lord said, it was not in contemplation to propose any measure whatever for their relief? But he was perfectly confident that such acts, calculated to suppress public opinion could not succeed, and he should strenuously oppose this bill in every stage, because he believed the existing laws of the country amply sufficient for every legitimate purpose this bill could be intended to effect.

Dr. *Phillimore* observed, that the speeches of several hon. friends of his had left little further to be urged in support of the measures before the House. The speech of his right hon. friend, the member for the university of Dublin, especially, had shed such intensity of light upon the subject, that he could not conceive how the wisdom of the measures could be questioned, or how their necessity could be denied. He was anxious, however, to explain his reasons for the votes he gave upon all those measures. He was impelled to speak of them all, because it had been repeatedly stated in the course of the night, that those measures annihilated the liberty of petitioning, and subverted the liberties of the country. But those measures, in his opinion, were so far from annihilating the liberty of petitioning, and subverting the liberties of the

country, that they were required and calculated to protect our liberties, and to hand them down unimpaired to posterity. The measures now passing through parliament were of a two-fold nature. One part went to divest the disturbed part of the community of arms. The other part included this measure and the bill which regulated the right of petitioning. The first was founded in necessity, and ought to be limited in duration. But this measure was of a different nature. It grew out of an inveterate evil. He did not undervalue the right of petitioning, and the liberty of the press. He knew the right of the people to petition was one upon which the civil liberties of the country depended. He thought the liberty of the press a privilege still more sacred, and that no free state could exist without it. He admitted also the advantages of educating the lower orders of the people, and that the more the people were educated, the greater would be the benefits derived by the country. But in supporting those rights, gentlemen seemed to have forgotten that there were other principles to be maintained indispensable to the conservation of those rights, and of the peace and security of the country. The exercise of those rights had been used as a means of attack on the constitution itself, calculated to subvert its principles, and excite against it the most destructive warfare. His hon. friend, the member for Shrewsbury, had asserted, that the circulation of blasphemous libels was not extensive, and merely confined to local districts; but he (Dr. P.) would say, that at this very moment the most industrious exertions were on foot to circulate such publications so destructive to the happiness of mankind in this life and hereafter. The fact came home to every man's observation. He did not refer to the documents laid on the table to show the necessity for adopting those measures as his sole authority upon this subject, but he referred to them merely in aid of the notoriety of those evils which existed. He would particularly refer, however, to the last letter which closed the correspondence with his majesty's government upon those subjects, which stated, that fifteen of the most populous towns in a northern district were prepared for a simultaneous rising on a particular day; and that exertions were made to put seditious and blasphemous publications into the hands of servants in large families, in order to seduce them to become accomplices in the guilt of those who used such contrivances; and the House would recollect, that this statement was corroborated by the report of the grand jury for the county of Chester. And when he put the House in mind of the circulation of those mischievous pamphlets, he hoped they would see the indispensable necessity of adopting the present bill. But he did not found his conviction solely upon those papers. He considered them only as auxiliary to the experience and observation of every member of that House. In almost every part of the country attempts were made to sap the principles of religion: to ridicule and revile those sacred principles of faith and morality on which virtue and happiness were founded; to perplex and destroy the sound sentiments and salutary habits of worshipping God and obeying the king. Were they to look upon transactions like those with stoical apathy? They were told that the measures before them were encroachments upon the constitution. He would yield to none in admiration of our constitution, or in zeal for its preservation in purity and vigour. It was a constitution, transmitted to us by our ancestors. It was the result of wisdom and experience; it wasadapted to the various circumstances of society, and the various emergencies of time. Whilst it guaranteed our rights, it protected our property and our persons. The constitution of this country was not formed in a day, nor was it the work of any particular period; it was the result of long practical experience: it enabled the parliament to resist any attempts of the people, or any encroachments of the Crown for its destruction: because it contained in itself the remedy for those evils: arising from the changes of manners which in course of time take place in every country. He could by no means agree to the description of it given by his hon. friend the member for Shrewsbury. When gentlemen talked of liberty, they must speak of it under some rational limitations. If men under the pretence of the liberty of the press, published blasphemies, or libelled their neighbours—if under the pretence of discussing grievances, or promoting petitions, they excited seditious tumults, they must be restrained within proper bounds. Civil liberty would cease to exist without such restraints; in civilised life such restraints must be established as times and circumstances required. In

fact, restraints were necessary to the protection of liberty in its most desirable state. These measures were not designed to put down the reasonable liberty of the people, but to put down those proceedings which would go to destroy liberty; and in voting for them he felt that he was not injuring, but protecting liberty. He should not detain the House longer on this point, but he could not sit down without adverting to another assertion that had been made by several gentlemen on the subject of banishment in this case, as a novelty unknown to our laws. He would contend that the whole history of our laws abounded with instances of this mode of punishment. He would ask, whether, from our Saxon ancestors down to the present day, there was any punishment more familiar to our history than banishment? The hon. member for Durham might laugh, but he could prove that it was so. Magna Charta contained a clause, that none should be outlawed or banished without the judgment of his peers. Here then, in the great charter of our liberties, was the punishment of banishment recognized. Bracton, than whom there was no higher authority, had a distinct chapter upon the subject of outlawry or banishment. In the 39th of Elizabeth, there was a law passed which enacted, that "such rogues as were dangerous to the inferior people should be banished." Here was the punishment pointed out, and the description of persons to whom it was to be applied. Who were to be banished? Such rogues as were dangerous to the inferior people. What was the punishment for rogues that were dangerous to the inferior people?—Banishment. It was a punishment peculiarly applicable to those persons who blasphemed God and libelled the King.—Would they transport such persons to our colonies, to inoculate them with blasphemy and sedition! These observations he had felt himself called upon to make in order to repel the assertion that there was nothing in our history and nothing in our law to sanction such a punishment. Upon the whole he considered the measures now in progress to be calculated for the security of our most invaluable rights, for the maintenance of those institutions which made us a great and glorious people, and for the preservation of our social state, and all the comforts and happiness we enjoyed.

Mr. *J. Wharton* said, he wished to put a question to the noble lord. If a bookselling house, consisting of six partners, were to be convicted a second time of publishing a seditious libel, would the whole firm be banished, or would the senior partner be selected, or any other partner?

The House divided on the question, "That the Speaker do now leave the chair:"—Ayes, 222; Noes, 76.

*List of the Minority.*

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|---|---|
| Abercrombie, hon. J. | Maberly, John |
| Althorp, viscount | Maberly, W. L. |
| Burton, R. C. | Macleod, R. |
| Burdett, sir F. | Macdonald, James |
| Benett, John | Martin, John |
| Barnett, James | Moore, Peter |
| Bernal, Ralph | Ord, W. |
| Birch, Joseph | Pringle, J. |
| Brougham, Henry | Palmer, C. F. |
| Burrell, hon. P. D. | Pares, Thos. |
| Byng, George, | Parnell, sir H. |
| Calcraft, John | Philips, G. |
| Calvert, C. | Philips, G. jun. |
| Cavendish, lord G. | Primrose, hon F. |
| Clifton, viscount | Price, Robt. |
| De Crespigny, sir W. | Ricardo, David |
| Duncannon, viscount | Robarts, A. |
| Ebrington, viscount | Russell, lord G. W. |
| Ellice, E. | Russell, lord John |
| Fleming, John | Rumbold C. |
| Farrand, R. | Scarlett, James |
| Fazakerly, N. | Scudamore, R. |
| Fitzgerald, lord W. | Sefton, earl of |
| Fitzroy, lord C. | Smith, hon. R. |
| Gaskell, Benjamin | Smith, John |
| Grant, J. P. | Smith, W. |
| Graham Sandford | Stewart, W. |
| Griffiths, J. W. | Stanley, lord |
| Hamilton, lord A. | Tavistock, marquis |
| Harvey, D. W. | Taylor, M. A. |
| Hill, lord A. | Thorp, alderman |
| Howorth, H. | Tierney, rt. hon. G. |
| Hume, J. | Waithman, alderman |
| Kennedy, T. F. | Whitbread, W. H. |
| Kinnaird, hon. D. | Wilkins Walter. |
| Lamb, hon. G. | Wilson, sir Robert |
| Lambton, John G. | TELLERS |
| Lemon, sir W. | Bennet, hon. H. G. |
| Longman, G. | Graham, J. R. G. |

The House then resolved itself into a committee. On the clause requiring sureties from persons printing small political publications,

Mr. *Marryat* rose to object to the extreme unreasonableness and hardship of obliging every printer of a paper containing less than two sheets, or that should be sold for less than sixpence, not only to enter into a recognizance himself in the sum of three hundred pounds, but also to find two or three sufficient sureties to enter into a recognizance for the like sum, that he should not publish a libel. He had no objection to the clause as far as

related to the printer himself, but he must strongly object to his being obliged to find two or three sufficient sureties, because it imposed a condition upon printers with which many of them would be unable to comply, and with which, unless they did comply, their ruin must be the inevitable consequence, because they would be incapacitated to continue that calling by which they maintained themselves and their families. By far the most numerous class of printers commenced business on a very small scale. They were journeymen, whose savings enabled them to purchase a few types, and set up for themselves. They added to those types from time to time out of the profits of their industry, and at length perhaps succeeded in acquiring a competence. All those who were in the earlier stages of this progress, would be incapable of giving the securities required, for this obvious reason; that though a man might be disposed to become security for another, as far as related to his probity and integrity, yet who would take upon himself the responsibility that a printer should never commit an error in judgment, but constantly exercise a sound discretion, on so ticklish a point as what is and what is not libel,—a point upon which gentlemen learned in the law are not always agreed, and on which juries frequently differ,—a London jury having decided a publication to be no libel, and an Exeter jury having afterwards found by their verdict the same publication to be a libel. The effect therefore of this clause would be, to throw all the printing business into the hands of a few opulent men, who were well known to possess the means of paying any fine that might be imposed upon them, and consequently would have no difficulty in finding the sureties required. Thus the bill would operate most unequally and unjustly; for it would be no hardship whatever on the wealthy class of printers, while it would subject their poorer brethren to ruinous disabilities, incapacitate them from continuing their business, and leave them no alternative, after they had exhausted the money arising from the sale of their press and types, but a gaol or the workhouse. This clause is an infringement of the acknowledged right of every subject in a free state, to employ his industry and talents in such manner as he considers most beneficial to his own interests. It is also inconsistent with the great principle of British legislation, that every man is considered innocent, till he has been proved to be guilty; for by this clause a man who has committed no crime, and who probably never would have committed any crime, is subjected to a most severe as well as unmerited punishment, that of being deprived of his means of livelihood, on the presumption that he may by possibility commit some crime hereafter. The consequence of this measure, as affecting the general interests of literature and the arts, are by no means inconsiderable. It is owing to the competition arising from the number of printers, that the price of printing is kept down to as low a rate as can be possibly afforded. Diminish that competition, and the price will soon be raised.—Even now, books are printed in foreign countries, the duty of four guineas per hundred weight paid upon them on importation, and sold here to advantage. Many gentlemen know the great number of the Delphin edition of the classics, printed at Paris in Baskerville's types, that were circulated in this country. An English Common Prayer book was printed by Didot at Paris, for the express purpose of being sold here; and lord Byron's works have lately been printed there, and are sold here, cheaper than they can be purchased at the original publishers. If this clause passes, this evil will be aggravated, and the art of printing be transferred from this country to foreigners. Literature also will be discouraged; for booksellers will no longer venture to give that liberal remuneration to writers of talent for the copy-right of their works which they have hitherto done; and men of genius must look to other countries for that remuneration which they will be unable to find here. Mr. Hume, a writer by no means unfavourable to arbitrary power, commenting upon some despotic proclamations issued, and monopolies granted, in the early part of the reign of queen Elizabeth, observes, that had she continued to pursue the same system, wealth, commerce, and the arts, which have now made this country their favourite abode, would have been as much strangers here, as they are in the dominions of the emperor of Morocco; and if this House legislates in the same spirit of restriction and monopoly, their measures will soon produce the same effects. He concluded by moving as an amendment, that the words "together with two or three sufficient sureties," be left out of the clause.

Mr. Alderman *Waithman* supported the amendment, and said, that nine out

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of ten of the printers would not have got into business under such restrictions. How, for instance, could Dr. Franklin have got into business?

Mr. *W. Smith* said, that under the bill as it stood, all accounts of proceedings affecting the arts and sciences, agriculture, &c. would be prohibited, except under all the burthens and restrictions it imposed.

Mr. *R. Wharton* said, it had been assumed that the bill was to affect all printers: this was not the fact. That it would affect those who with small means, and no character to lose, and no stake in the common-weal, was true. This he deemed to be a good. All public questions would still be discussed, but in a more temperate and decent manner.

Mr. *W. Smith* wished to know whether it was really intended to suppress all publications containing accounts of events? For instance, there was a publication on a sheet or half sheet, containing an account of the distress of the Scilly Isles, widely circulated for the purposes of charity.

The *Attorney General* said, that no publications would be affected that were not exposed for sale; and the words describing papers containing news, intelligence, and occurrences, being borrowed from the newspaper act, all those papers described by the hon. gentleman had in reality been always newspapers. The only additional hardship persons printing such papers were now subjected to was, that they must apply to a printer who had entered into recognizances. It had been said by an hon. member, that it was a new principle of our law to call on persons for securities against crimes with which they had been charged. Now, not only were there in the excise laws many instances similar to the present bill, but persons possessing boats or cutters of a certain description, which were supposed to give facilities for smuggling, were required to find bondsmen that they should not be employed in smuggling transactions. But there was a statute of Edward 6th, which had continued till George 2nd, when it was sanctioned and extended, which required all persons keeping alehouses to give surety for the keeping of order in their houses. The statute of Edward 6th required them to give their recognizances —the statute of Geo. 2nd required them to find two other sureties. He might mention the cases in the revenue laws, but this, which had so long formed a part of our law, was a stronger instance. The amendment would entirely neutralize the clause. It was not too much to say, when so much was trusted to the discretion of a printer, that he should be able to find two or three friends who had some confidence in his prudence.

Mr. *J. Smith* said, that a very large class of publications, entirely innoxious, would be affected by the law. Play-bills contained occurrences, and fell under the bill. Thousands of works, published at a few pence, would be loaded with this 4*d.* duty.

Mr. *A. Wright* was afraid the bill would affect some works published in the nature of Encyclopædias, in which articles on matters of church and state, merely historical, were inserted in some numbers.

Lord *Castlereagh* asked, whether the apprehension was, that the first or the second part of the bill would apply to these works? If to the second, there could be no difficulty in the printers of such works finding securities as to the penalties applying to them. If the first was supposed to apply, viz. the stamp, the remedy was to bring them out monthly, or in numbers of a price above 6*d.* When so many modes were open to printers of such works to conform to the law, it was not too much to expect that they should make some effort so to regulate their business, that the law should not be inoperative against that immoral part of the press, against which none had spoken out more plainly than the booksellers themselves. The House was obliged to do something, though perhaps their measure would not be effectual; for instance, a monthly publication might be carried on so blasphemous and treasonable as to be a very serious evil, but yet the government did not wish to cramp the legitimate press too much. As to the notion that in this country of capital, and especially in London, a monopoly could be created by requiring sureties from the printers to the amount of 300*l.*, it was extravagant. It had been shown too, that the enactment was consistent with the very spirit of our laws [a laugh]; he meant in cases where the morals of the country were endangered by any abuses.

Mr. *Marryat* said, he was in hope, when the attorney-general rose, that he would have satisfied the hon. members for Norwich and Oxford, by stating his intentions to introduce certain exemptions into the bill, which would have removed their objections to it. He was the more confident

in this expectation, having received an assurance to that effect from the solicitor-general, to whom he had represented, that the bill, as at present worded, would materially check, if not entirely stop, all the sources of commercial intelligence; for that every price current, every account of the state of the funds, of the course of foreign exchanges, every shipping list, every packet list, in short, every paper not containing two sheets, or printed oftener than once a month, would be subject to a stamp duty of four-pence. The hon. and learned gentleman, the attorney-general, had stated that this bill would tax nothing that was not before taxed; and this assertion made it necessary for him to repeat to the committee, what he had before mentioned to the solicitor-general, that the words of this bill were copied from the act passed three years ago, for regulating the stamp duties in Ireland, and that, under that act, a Mr. Hammerton of the Custom-house at Dublin, who had for some years published a list of vessels that arrived at, and sailed from the different ports of Ireland, was called upon to pay the newspaper stamp duty, and in consequence had been obliged to discontinue the publication altogether. He believed this was not the intention of his majesty's ministers; but tax-gatherers and informers would enforce the law according to its strict letter, and therefore the hon. and learned gentleman, the solicitor-general, had promised him to introduce such a clause of exemption as should prevent the law from being wrested to purposes which were not contemplated by his majesty's ministers.—The hon. member then proceeded to state, that the principal object for which he rose was, to recall the attention of the committee to the amendment he had proposed, and which he regretted to find was to be resisted. He believed that those who framed this bill, had their minds so intent upon the great object of repressing seditious and blasphemous libels, that they had not sufficiently adverted to the operation of their own measure in other respects. He was ready to concur in all just and necessary regulations for putting down those publications, although he thought the evil arising from them had been much exaggerated, and that the great mass of our fellow-subjects were firmly attached to the government under which they were born, and the religion in which they were bred; but he could not go the length of punishing the innocent, in order to impose enactments, which, in his opinion, were no additional guards against the machinations of the guilty. He wished to know why the same security which was thought sufficient in the case of all other crimes, those on which the safety of the state, and the peace, property, and lives of individuals depended, the responsibility of the party himself, and his being amenable to the injured laws of his country, was not sufficient in the case of libel? He could not consent to superadd the condition required by the clause now under consideration, with which, in many cases, individuals would find it impossible to comply, and their non-compliance with which would expose them to utter ruin, by incapacitating them from continuing to exercise their calling for the maintenance of themselves and their families. He should therefore persist in taking the sense of the committee on his amendment.

The *Solicitor General* said, the suggestion of the hon. member respecting the exchange and shipping lists had been attended to, as an amendment was to be introduced to exempt them. The present bill was, however, in that part copied from the newspaper act, and included papers of that kind which were not before subject to duty. As to the practice of requiring sureties, it was necessary to inquire what was the old law of the country, which had been eulogized by all constitutional writers, from sir E. Coke to sir W. Blackstone, and which had been recognized in Magna Charta, both as granted by king John, and as confirmed by Henry 3rd. No person was allowed to be in this country out of prison, who could not find a certain number of persons to be responsible for his good behaviour. This was also enacted by a monarch who had never been mentioned but with eulogy—Alfred. This law having been recognized in the charter, and in the confirmation of the charter, had only become obsolete through the change of circumstances in the country. He did not mention it as a law now generally applicable; but he deduced from it this—that when a general law to such an extent had been eulogised by our best constitutional writers—when the principle had been sanctioned in the case of the keepers of ale-houses, though with respect to the people at large the necessity which dictated the general law had ceased—that in a case in which the morals of the country were much more seriously affected

than by ale-houses, such an enactment as that now proposed was not hostile to the principles of the constitution. Again, as to smuggling, persons gave securities not because they had been guilty of, but because they had facilities for committing breaches of the law. Could any one doubt that the evil which the House now proposed to check, the growth of blasphemy and sedition, was of infinitely greater importance than disturbances in ale-houses? Or was it too much that printers should be called upon to give a small security when the seditious writers were boasting, that by the press, as at present conducted, they could overthrow the laws, religion, and institutions of the country?

Sir *W. De Crespigny* said, that if this clause stood, and the noble lord should come to any unfortunate termination of his career, this bill would go to exclude the public from the benefit of his last dying speech and confession.

Mr. *T. Wilson* said, that he agreed with much of what had fallen from Mr. Marryat, and that in a future stage, he should move an amendment, for the purpose of exempting the class of publications alluded to by that hon. gentleman.

The committee then divided on Mr. Marryat's amendment: Ayes, 82; Noes, 202; Majority, 120. On the motion that the clause itself stand part of the bill,

Mr. *Denman* said, that the case at Manchester, which had been referred to as sufficient reason for this clause, only proved that the magistrates had endeavoured to establish such a right as was now to be given to them, but had failed. Was the House, then, prepared to alter the law of the land merely to meet the view of those magistrates? The term "good behaviour" was extremely vague and indefinite, and the recognizance to that effect was the more unjust because it was unnecessary, as the persons who would be called to give it had already in the first instance given security of a pecuniary nature sufficient to answer all reasonable purposes.

Lord *A. Hamilton* remarked, that the clause was the more cruel, as it required the recognizance, not of a person convicted, but of one charged with a libel, though it might turn out that the charge was malicious or groundless.

The committee then divided: Ayes, 129; Noes, 9; Majority, 120. In the clause respecting persons suing, "in the name" of the attorney-general, Mr. Denman, to prevent the abuse of the power thereby given, moved the insertion of the words, "and by the authority." After a short discussion, in which the attorney and solicitor-general, Mr. Primrose, and Mr. V. Blake joined, the amendment was negatived without a division. The bill having been gone through, two new clauses were added on the motion of the attorney-general; the one to enable sureties to withdraw their recognizances on giving 20 days notice to the commissioners; the other to provide that nothing in the act should extend to the publication of the votes of the House, of state papers, of books for education, of invoices, &c. The House then resumed.

## HOUSE OF LORDS.

*Tuesday, December* 21.

Seditious Meetings Prevention Bill.] The bill was read a third time. On the motion, that it do pass,

Lord *Erskine* said, that although he had long foreseen that ill-advised and imprudent meetings of persons too numerous to be useful for the objects they had in view, however legal, were likely to give occasion to alarms as they had done formerly, so as to be made the foundation of new laws depriving the whole nation of rights which he hoped would never be surrendered by Englishmen; yet he did not expect that a measure so totally unnecessary and so likely to aggravate all the evils complained of, would have been sent up for approbation from the House of Commons—but being here, and looking back to those sent down to them, he despaired altogether of making an impression by any thing he could say; a feeling which disqualified him from speaking as he ought. I have been accustomed, my lords (said lord E.) during the greatest part of my life, to be animated by the hope and expectation that I might not be speaking in vain; a sensation without which there can be no energy in discourse —I have often heard it said, and I believe it to be true, that even the most eloquent man living (how then must *I* be disabled), and however deeply impressed with his subject, could scarcely find utterance, if he were to be standing up alone, and speaking only against a wall. He meant no offence to the noble lords opposite by the comparison, nor meant to impute to them insensibility or injustice,

but their minds were now so thoroughly settled on the question before them, that there was no thoroughfare through their understandings, however liberal they might be—and he should therefore be very short in the performance of what he felt to be a duty too imperious to be passed by. In looking at the bills before them, it appeared as if there had been no provisions against seditious meetings in the common law or in the ancient statutes of the country, and that they were beginning for the first time to legislate on the subject; and from the amendments they had rejected last night, they appeared to be little acquainted with what they were about. The objects they sought to point out from the statement of his noble friend the secretary of state—were meetings dangerous from their numbers—assembled from considerable distances; attended by itinerant orators, with music and seditious symbols to excite disturbance—marching in regular array. He admitted that none of these things were necessary for the great ends of meetings of the people constitutionally assembled to claim and to represent infringements of their rights. But did not the ancient laws sufficiently provide against such abuses—might not meetings, however, legal their objects degenerate into abuse and be attended with danger, and in all such cases not only by the common law but by the Riot act, might not all such excesses be checked; and when there was no other safe remedy, might not such tumultuous assemblies be peaceably dispersed, and even by force, when necessity justified such unfortunate recourse?—Why then, if the people were well satisfied with these restraints upon the irregularities of freedom, why outrage and insult them by putting the exercise of their immemorial and unquestionable privileges under the absolute control of magistrates, whose existences might be terminated in a moment, by a stroke of the pen, by his noble friend on the woolsack, he being himself a magistrate during the pleasure of the Crown. Not that I anticipate from him (said lord E.), any abuse of his authority; but if instead of being an honest man, as I think him, he were an angel sent down to us, and I could see his wings peeping out from under his gown, I would not trust the liberties of England in his hands,—liberties the gift of God himself to a wise and an undaunted people. Consistently with these liberties, and wisely for their preservation, the Crown had great and salutary powers for the preservation of the peace, and nothing therefore could be so rash as to undervalue those laws which the people had long been familiar to, and to begin to govern them by new ones, which though most offensively restrictive, created no greater security against disorder of any description; but, on the contrary, gave rise to a dangerous spirit of disaffection by the sense that public liberty had been infringed. Against the evils complained how easy was the remedy, by only putting the ancient laws into vigorous execution, quieting at the same time the agitated minds of the multitude, by yielding to his noble friend's advice on the first day of the session, to institute a calm and constitutional inquiry into the abuses and unnecessary violences they complained of. He was glad to see, therefore, even a noble lord who in general acted with ministers proposing some modification of the bill before them, and it gave him pleasure, because he remembered him in his cradle when his father was a companion at the bar. The power given to magistrates was indeed an absolute repeal of all meetings of the people, except when held under a roof, meetings which had been most unqualifiedly admitted by Mr. Pitt in 1795, to be constitutional and legal, so that there was now no right left to hold voluntary assemblies of the people for any object whatsoever, but at the will of the ministers and magistrates of the Crown. This was but a short sighted view of the principles which could alone produce affectionate and lasting submission to authority. From the moment the bill before them was passed into law, it was in the power of any one man who might be sent to utter some seditious expression, or rather some spy resident on the spot for the very purposes, to put an end in a moment to any meeting however legally assembled or peaceably conducted. He wondered at first why the exclusion of *non residents* was so tenaciously supported by his majesty's ministers, as even their own spies might have been shut out from attending them; but it had appeared by an attentive examination of the papers before them, and by all information, that they had spies resident in every quarter, and actually engaged in their nefarious and pernicious duty. There might be some kind of excuse for these new and harsh alterations, if the people at large

had become generally disaffected or discontented without cause. It was true undoubtedly that an universal distrust in parliament pervaded the country, and of course a desire for its reformation equally universal amongst the lower and middle orders, but was this spirit to be wondered at when the multitude were suffering privations and distresses unexampled, which they believed, and had the authority of the ablest and most public spirited men whom England had ever bred, for believing that all their sufferings had arisen from the irresistible power and influence of the Crown in the House of Commons from a deficient representation. Can I, my lords, for one (said lord E.), consent to consider the people as disaffected to parliament, and unjustly complaining of its neglect of duty to them, when I have myself for thirty years together been a loud and public complainer on the same account. They think that parliament blindly persevered for twenty-four years together in the war against France, after repeated opportunities lost of safe pacification, imposing upon our subjects whom it is now preparing to oppress for complaining of an insufferable and ruinous taxation. It is true that the period came at last when peace was impossible, and when imperious necessity demanded that Buonaparté should at all hazards be resisted, and I myself for that reason gave one vote for continuing our exertions, but which after even their almost miraculous termination, had left us rivals formidable to our prosperity, rivals in nations whom we had supported, and ourselves he hoped not fatally, but for the present miserably exhausted. Now if all these events were chargeable upon parliament in public opinion, was it sedition in the people to call loudly for reformation? Lord E. said, he was ready at all times to raise his voice against the mistaken clamours for annual parliaments or universal suffrage, and even if he thought that they would be an improvement of the constitution, he should equally resist them, from a perfect conviction that they never could be effected but through a sanguinary revolution; but this notion was not entertained by men capable of duly considering such a momentous subject, and was besides attributed to thousands who never had seriously considered or desired it. He had impaired his health and strength in defending the late Mr. Tooke, for being traitorously engaged to effect this object, though his letter to lord Ashburton which he (lord E.), had read upon the trial, was the ablest and most conclusive argument that the wit or wisdom of man could have composed upon the subject. Here he read several very striking passages in this letter, one particularly in which Mr. Tooke exposes, in the happiest manner, the difference between an equal right to a share in the representation, and a right to an equal share. If parliament did its duty, this nonsense of universal suffrage would soon pass away. It ought, therefore, by its conduct to redeem its character with the people, to secure their esteem and cultivate their affections. If this were done the people would feel with contentment and security that there was no other road to reform but by the consent of the legislature, and would duly appreciate whatever alterations its wisdom might enact. It was on that account he so highly approved of the measure which lord John Russell had suggested, because, whilst it established a principle, and pledged the House of Commons by its adoption, yet it imposed no limitation by its success, but left reformation open to all the arguments for its advancement, whilst it exposed the danger and the folly of seeking charges through tumult, which no wise man would consent to, even if peaceably and constitutionally within his reach. With regard to the irregularities against which all these new measures were directed, he thought their objects were grossly misrepresented, and their dangers overstated. He did not mean to enter into any defence of Mr. Hunt, but he saw no evidence whatever of his having any design or imagination to subvert the government, and thought the utmost extent of his offending, if he should be found to have been an offender, would be that he had been present at a meeting originally legal, but from its numbers most imprudent, and which had only become illegal and dangerous, if it were found to be illegal and dangerous, by the violences and the irregularities of others whom he had not at all offended, and to whom neither he nor those assembled with him were offering any resistance.—I conclude (said lord E.), by deeply regretting that public liberty which has been for ages the pride and glory of this country, is destined to undergo the degrading change which this and other measures are in my opinion so likely to produce.

The Earl of *Darnley* rejoiced that his

noble and learned friend, and his other noble friends, had so strenuously opposed the measures of ministers. Their eloquence had not been entirely thrown away, for some good had been done by the stand which they had made between the government and the people. The bill brought in by the noble and learned lord on the woolsack, owed all its improvements to the suggestions and exertions of his noble friend near him (lord Holland). With regard to the bill for preventing blasphemous libels, the punishment of transportation, which had been so pertinaciously maintained in its passage through that House, was at last given up; and for that concession on the part of ministers the country was indebted to the exertions of his noble friends in this and his hon. friends in the other House of Parliament. Libels had been permitted to go on without any notice being taken of them; but the punishment of transportation, which had been given up, was said to have been introduced in consequence of a particular case. The unfortunate man referred to had, however, been visited with a punishment for his second offence, which, to judge from the principles of human nature, was not likely to encourage the repetition of such conduct. With regard to the object of this bill, ministers had acted as in other cases. They had suffered meetings for the pretended purpose of petitioning to assemble under the control of demagogues, acting on the distress of the country. These assemblages had been allowed to go on without any thing being done to prevent them. In the mean time, the unfortunate transaction at Manchester had taken place, and the manner in which all inquiry had been stifled on that subject had driven the people to despair. The refusal of investigation, after parliament had assembled, must have increased the irritation. But what he chiefly complained of was, that no steps had been taken to put the existing law into execution, and that ministers had not appealed to parliament so soon as they ought to have done, if they really needed new powers. As yet they had not shown that the existing law was insufficient, and therefore had no right to call on parliament to pass such severe measures. He was against universal suffrage, because that was a system which would lead to all the horrors of revolution; but he was by no means the enemy of reform, and approved very much of what had fallen from his noble and learned friend on that subject. He was a reformer, because he was convinced that the constitution contained within itself the principle of reform. The noble and learned lord on the woolsack had shown himself a reformer by his bill for preventing delays in the administration of justice. He must oppose this measure, as no evidence to satisfy his mind had been produced to show that the existing law was insufficient to correct the evils complained of.

Lord *Ellenborough*, having proposed several amendments on clauses of the bill, wished to state the reasons which induced him to support it. He was the friend of public meetings, for he was of opinion that they were of great advantage in preserving freedom, and that they had been the means of maintaining the fabric of the constitution in energy and vigour. The late war could never have been carried on, had it not been for the spirit with which public meetings animated the country. Though he had objected to some of the clauses of the bill, he voted for it as a whole; because he believed that many of its enactments were calculated to restore to the people what they had lost—the advantage of free discussion; also to give to parliament what it had long lost—the means of ascertaining the opinion of the country, which it was impossible to know without free discussion. Now, to discover the real state of public opinion was impossible, if great bodies of people were allowed to move from one place to another, and to assemble at a particular point, as had been the case at Manchester, and there out-vote the resident inhabitants. Thus a very small minority, acting upon malignant motives, might give the semblance of an overwhelming majority. He voted for this measure because it left untouched all those kinds of public meetings which were known when the Bill of Rights and the Habeas Corpus act passed; because it left untouched all those meetings which had been legally known to the country for the last century and a half, during which this country had been raised to the highest pitch of prosperity. He voted for it too because it prevented such meetings as those of Manchester and Birmingham; because it prevented the harangues of itinerant orators, and the display of physical force. A very material change had within these thirty years taken place, with respect to this and every

other government of Europe. The progress of education, and the influence of the press, had brought public opinion more in contact with the government than before. Was it advisable when such a revolution in the state of society had taken place, to add to it the influence of that kind of meetings, which consisted in the display of a great physical force, assumed for the purpose of over-awing the government? It was important neither too greatly to relax, nor to draw too close the connexion between the people and the legislature. If the bonds which unite them were too much relaxed, the people were apt to imagine that their interests were disregarded. If they were drawn too close, an undue impulse must be given to the representative body, which would thereby become liable to the most dangerous versatility. Great wisdom was necessary to preserve the proper balance. If the public meetings of the kind which had taken place were allowed to go on, he doubted not that many of them would still meet and disperse quietly, but then it would be to watch the opportunity to abate that nuisance of government against which they passed resolutions. Under such circumstances the government could not stand six months longer. It was the great advantage of parish meetings, that they admitted of free discussion. The speakers would be known to each other, and the character of each speaker would probably be known to all who attended the meeting. He considered the present bill as a solemn warning to the disaffected, that they would not be suffered to carry their designs into practice; and also a solemn pledge to the well-affected, that parliament was resolved to protect them. He was above all things anxious that the bill should pass, because he wished to legislate while we yet had the opportunity so to do. It would be too late if rebellion was suffered to show its head; for then there could be no question but to put it down. He was, however, most anxious to avoid that painful necessity; for in civil contests, victory and defeat were almost equally to be dreaded. In passing the bill on the table, their lordships would grant nearly all that ministers had demanded of them. But after all should be given that was asked, he must say, that that would not be sufficient unless their lordships resolved to look at the situation of the country, and endeavoured to discover the hidden sources of the danger which threatened it. To show that parliament felt for and with the people, would tend more than any other measure that could be adopted to tranquillize the country. All the acts their lordships might pass, were in themselves mere waste paper, if they had not with them the hearts of the people. Of this he was convinced—that if, on investigation, it was shown to the country, that the public difficulties arose from unavoidable circumstances, and that nothing was neglected on the part of parliament to correct them, there remained in the national character sufficient firmness to bear with any calamity. An inquiry into the cause of the distress which had subsisted for the last five years would be of more importance than any bills that could be passed. Above all, it was necessary to show, that the people were united in support of that constitution, which, to sum up all its advantages in one short sentence, had raised man to a nobler rank in this country, than in any other in the world.

Earl *Grosvenor* should not have troubled their lordships upon the present occasion, but for a petition which he had been requested to present from the city of Westminster. The petitioners were anxious to state their case to their lordships, and to induce the House to sanction the introduction of a clause, by way of rider, which would have the effect of excepting them from the severer operation of this measure. The petitioners grounded their claim to this privilege, more particularly upon an expression which had fallen from a noble earl, a member of the administration and president of the council. That noble lord, the petitioners stated, had observed, in emphatic terms, upon the tranquil character of the meetings held in the city of Westminster, and had contrasted the meetings held in various parts of the country with those convened in Westminster. Whether the petitioners were or were not mistaken in this point, at least noble lords would allow that a petition from the city of Westminster was one worthy of attention. The petitioners so far flattered themselves, that they thought they were worthy of the character given to them, and were therefore most anxious that the clause which he had already alluded to should be introduced. For the purpose of considering this clause, perhaps it might be advisable to adjourn the debate to some future day.

The Earl of *Liverpool* said, it was impossible for the noble lord to do what he proposed in this stage of the bill, *viz.* to introduce a new clause after the bill had been read a third time. It was competent for the noble lord to move the adjournment of the debate, but the opportunity was past for introducing any new clause.

The *Lord Chancellor* observed, that after the third reading of the bill had been agreed to, the question then arose upon the passing of the bill. Upon this latter question their lordships were now debating; and, according to all the rules of debate which he had ever heard of, no clause could be introduced in this stage of the measure. The noble lord might, indeed, move for the adjournment of the debate, but no reason had yet been assigned for such a motion.

Earl *Grosvenor* feared that it was now too late to propose the introduction of any clause. It was, however, competent for him to move an amendment to the original motion, for an adjournment, for the purpose of considering the contents of the parchment he held in his hand. The petitioners imagined that the officer to whom the power was given of calling these meetings, however respectable he might be individually, yet might probably be influenced; and instanced the case of the refusal of the high bailiff to call a meeting to consider the proceedings at Manchester on the 16th of August. With respect to the bill itself, he strongly objected to it in principle, inasmuch as it tended to check the disposition in the people to petition for the removal of their grievances; but he really thought some regulations were requisite with respect to the mode of holding the meetings. It had been observed by a noble lord, that the itinerant orators and demagogues were the cause of the discontent throughout the country. In this observation he begged to differ most widely from the noble lord, because he conceived that it was the discontent which gave rise to the demagogues; and if that discontent were increased by the coercive measures of the government, instead of those itinerant orators being confined to one or two local spots, the whole country would be covered with them, and every parish would have its particular demagogues.

The Earl of *Harrowby* said, that as far as he was enabled to recollect, the only expression which had dropped from him respecting the Westminster meetings were these:—He was observing upon the meetings which had been held in former times, and referred to certain assemblies convened in 1780. In touching upon this subject, he had alluded to a meeting held in Westminster, not consisting of all the populace of the city, but confined to the inhabitant householders only. With this explanation, which he felt it his duty to make, he should content himself, and leave the House to judge as to the propriety of receiving the petition.

The Earl of *Blesington* rose to repeat the objection he had urged last night to the extension of the bill to Ireland. However unsuccessful he might be in his efforts, he felt fully convinced that this measure was not in the least qualified for Ireland, although it might be calculated to prevent farther disturbances in this country. Under all the grievances under which Ireland had suffered, under all her oppressions and calamities arising from famine and disease, under all the distressing circumstances caused by the act of Union, that country had not complained, but had quietly borne the load of suffering. What then was the return for this praiseworthy conduct? Little relief had been afforded or attention paid; and now, as a farther reward to that unhappy country, the government was about to favour it with this protecting measure. He alluded to the hopes held out to the Protestants on the one hand against emancipation, and on the other to the Catholics in favour of their freedom; and affirmed that Mr. Pitt had resigned his office upon this very question. To neither party had satisfaction been given; for emancipation had neither been granted, nor entirely refused. He concluded with giving notice of his intention, after the recess, to move for a committee to inquire into the state of Ireland.

The Earl of *Liverpool* felt anxious to impress upon the House this fact—that the bill could not operate as a prejudice to Ireland. With respect to what had fallen from the noble earl as to the act of Union, he thought it was a little too much, after the lapse of many years, that the noble earl should now come forward to make a deliberate attack upon it. With regard to what had been said relative to the question of Catholic emancipation, he should be glad to know whence the noble earl obtained his information. Fortunately there was a most complete record, which per-

haps it would not be quite regular for him now to refer to, of the sentiments of the right hon. gentleman referred to contained in his speech delivered in parliament. If the noble earl would look into that record, he would find no such intimation as he had stated. He could not allow it to be said that Ireland had been oppressed, and that this country had done nothing to relieve its distress. He begged the noble earl, before he made such assertion, to inspect the Journals of the House. By these it would be found that this country had relieved Ireland of the whole burden of its debt. This, he would undertake to say, was a most important relief to the people of Ireland, and as great a boon as ever was granted by one country to another. But this was not all; the noble earl seemed entirely to have forgotten, that from the burden of the property-tax Ireland was relieved altogether.

The bill was then passed.

Protests against the Seditious Meetings Prevention Bill.] The following protest against going into a committee on the bill was entered on the Journals by the earl of Lauderdale:

"Dissentient,

"First, Because this bill, as well as the other measures extending the severity of our penal code, have been avowedly adopted under a belief that there at present exists amongst the manufacturers of this country, a very extended combination engaged in a plot for the destruction of our constitution, and the overthrow of all social order.

"Whilst to me it appears that no evidence of such a plot has been given; that if an inquiry into the state of the country had been instituted, it would have been shown that no such plot existed, and that the alarming symptoms of disaffection to the constituted authorities of the country, which have been locally displayed, arise from the arts and the evil designs of a few operating upon an extra population reduced into a state of misery from want of employment, and consequently of clothing and of food.

"That this is the real state of the evil under which we now labour, cannot be doubted by any man who reflects on the certain consequences of the policy which this country has for years pursued, who possesses a knowledge of the real state of manufacturing labour, or who gives credit to the scanty information which ministers have thought fit to lay before parliament.

"That the revenue and expenditure of all countries must be equivalent, if left to the natural course of things, is a proposition so generally admitted as to require no illustration.

"But in this country it appears that betwixt the end of the year 1794, and the beginning of the year 1819, there was added to our debt the sum of 899,537,144*l.*, which on the supposition that government, borrowing in 3, 4, and 5 per cents., received in cash 75*l.* for each 100*l.* of capital added to the debt, proves that during that space of time 674,652,858*l.* were received out of the capital of the country, and expended by government, making on an average during these 24 years, an expenditure of 28,110,535*l.* per annum.

"This extra expenditure, beyond what the revenue naturally afforded, must therefore have created a formidable increase in the demand for labour; a rise in the value of labour must have ensued; and it is not in the nature of things that this extended demand continuing for 24 years must not have increased the population so as to adjust the supply of labour to the demand for it.

"But this is not all, every nation in Europe has been more or less engaged in similar practices; and in the state of our manufactures it is impossible that an extra expenditure on the part of any European nation must not have created an extra demand for labour in this country.

"In this situation of things, it appears to me obvious, that a general cessation from this practice must, by suddenly diminishing the demand for labour, leave this manufacturing country in a state in which the supply of labour must be lamentably great in proportion to the demand for it, and consequently that a great fall in the wages of labour must naturally ensue.

"Such a fall in the wages of labour cannot, however, take place without greatly adding to the evil. The man, who from his labour can acquire 3*s.* or 4*s.* a day, is, as experience teaches us, generally led from a desire of indulgence to work only four days in a week: whilst the man who, with the utmost exertion of 6 days' labour, can only obtain 7*s.* or 8*s.* a week, is driven, by a desire to secure to himself and his family a scanty subsistence, to renounce all relaxation, and even to add to the hours usually devoted to labour.

"It follows, then, that those who are employed must by their exertions execute a greater quantity of labour, and by that means greatly increase the numbers thrown out of employment.

"That this is no fanciful theory, but, on the contrary, a true detail of the origin and of the nature of the evil under which the manufacturing districts are now suffering, is known to every man who has access to accurate information upon the subject; and it appears to me to be fully confirmed by the scanty information which his majesty's government have laid on the table of this House.

"By the Manchester magistrates we are informed, 'that the secretary of state 'was fully apprised of the deep distresses 'of the manufacturing classes of that ex-'tensive population, and that the disaf-'fected and ill-disposed lost no oppor-'tunity of instilling the worst principles 'into the unhappy sufferers; attributing 'their calamities, not to any event which 'cannot be controlled, but to the ge-'neral measures of government and par-'liament: and they add, that when 'people are oppressed with hunger, they 'do not wonder at their giving ear to 'any doctrines which they are told will 'redress their grievances.'

"In Yorkshire, too, we are informed by the lord-lieutenant of that county, 'that the mayor of Leeds believed that 'the mass of the population within his 'jurisdiction was by no means disaf-'fected, or seditiously disposed; but 'they were suffering most cruel priva-'tions through want of employment.' Lord Fitzwilliam also states, as the general opinion of the county of York, 'that the real grievance of the people 'was want of employment.'

"Again, 'the acerbation of temper 'among the weavers (at Westleigh) is 'stated to be produced by severe pri-'vations from the lowness of wages;' and those who know the real situation of Glasgow and Paisley, can have no hesitation in asserting, that the manufacturers at present exhibit a scene of wretchedness unparalleled in the history of any civilized country.

"Secondly, because, if this is a correct view of the causes of the present discontent and disturbed state of the manufacturing districts; and if it be true, as lord Bacon has long ago wisely observed, 'that so many overthrown 'estates, so many votes for troubles;' 'that poverty is the matter of sedition;' and 'that the first remedy or prevention 'is to remove by all means possible 'the material cause of sedition, which 'is want and poverty;' it appears to me that this bill, and the other measures which have been adopted, can of themselves effect no good, unaccompanied by measures for the relief of those whom our policy has reduced to a state of want.

"I have no hesitation in admitting, that neither the political institutions of this or of any other country were ever framed to govern a people so nearly deprived of food; and that in this unparalleled state of distress, local and temporary alterations of our laws may be necessary, not only to suppress the evil effects which may arise from the sufferings of the people, but to curb the mischievous intentions of those, who, from views of interest or ambition, may attempt to mislead them.

"There are, therefore, no local or temporary regulations calculated to give vigour to the exertions of our military force, in repressing the mischiefs which we have but too good reason to expect, to which, if coupled with wise attempts to remove the present cause of discontent, I would not feel it my duty to give my support.

"But I must regard measures of severity, unaccompanied with any effort for removing the causes of the evil, or even with any expression of sympathy for the sufferings of those whom we have reduced to penury, as likely to lead to a feeling of despair, which can only add to the dangers so justly to be dreaded.

"For to me it appears, that by prohibiting public meetings, we may generate secret and private cabals; that by preventing vague threats, to divide property and to have recourse to force, we may give rise to a scene of pilfering, thieving, and perhaps of private assassination; that by suppressing the open and public expression of all those wild dreams to which distress and despair naturally give rise in the minds of men trained under a free government, we may debase the spirit and corrupt the morals of the people; but that it is by kindness and sympathy with their sufferings, and by administering as far as possible to their relief, to which we can only look, as the means of restoring that love and admiration of our political institutions, and that pride in the frame of

our free constitution, which have heretofore formed the envy of foreigners, and the universal and well-founded boast of the people of this country.

"Thirdly. Because I cannot think it is fitting in the parliament of this country, who have expended millions in protecting foreign emigrants and African negroes, as well as in the relief of the peasantry of the various states of Europe, to abstain from all attempts to relieve the wants of our manufacturers, on the ground stated in these debates—that nothing can be done to mitigate their sufferings, without violating the true principles of political economy.

"If, indeed, this proposition (which alike impeaches all public institutions for the relief of the wretched) were true, I should feel great doubt whether the government had a right to revert to the strict observance of the principles of political economy, the moment it suited the policy of the day, though the preservation of our manufactures demanded a departure from them: more especially at a time when their sufferings clearly originate from government having violated every sound principle of political economy by a forced expenditure continued for 24 years.

"To me, however, it appears, that there is nothing inconsistent with the soundest principles of political economy, at a time when the class of manufacturing labours are reduced by the measures pursued for the supposed benefit of the community to a state of want, and when the labourers in agriculture as well as in the formation of articles which administer to the luxurious wants of the opulent, are comparatively well employed, in maintaining that it would be right to impose a tax on funded and landed property for the benefit of our manufactures; as this operation would only abstract a portion of the funds destined to reward the labour of one class of the community now at their ease, for the purpose of giving employment and subsistence to those who have neither.

"It is true that the produce of such a tax must not be employed in the manufacture of goods, which, by overstocking the market, might tend to deprive others of a demand for their labour.

"But, if prudently expended by furnishing employment to the destitute, in the improvement of roads, canals, and other works of permanent public utility, or in giving to them the means of emigrating to our colonies, I must be of opinion that, under present circumstances, it is a measure not only consistent with the soundest principles of political economy, but even loudly called for by every feeling of a desire for self-preservation, and by every principle of justice and of humanity.

(Signed) "Lauderdale."

The following Protest against the third reading of the bill was also entered on the Journals:

"Dissentient,

1st. "Because the laws of England, when duly enforced, have always been found sufficient to prevent any confusion arising from popular meetings, or to punish any disturbers of the public peace; and a too ready acquiescence in the suggestions of ministers for imposing new restraints upon the rights and usage of the people (even if the provisions of the bill were in themselves neither harsh nor unreasonable), appears to us more calculated to add weight to calumny, and to exasperate discontent into hostility, than to defeat the designs of turbulent men, or to reclaim the alienated affections of a mistaken multitude.

2ndly. "Because the powers entrusted by this bill to magistrates are liable to great abuse, and those who disobey them exposed to dreadful and disproportionate punishment. On the surmise that a stranger is present in a crowd, or on the application of a vague definition to the words of a notice, or to the language of an orator, a justice of peace may proclaim a meeting to be unlawful; and an Englishman may become a felon for continuing, even through inadvertence, half an hour on a spot where no breach of the peace has been committed.

3rdly. "Because the numerous assemblies alleged in the preamble to be the occasion and justification of the bill, have been confined to particular districts, but the restrictions and penalties thereof are generally extended to the whole kingdom, and even to Ireland, where no such practices have ever prevailed.

4thly. "Because this bill, combined with the restrictions of the press, which have already passed, or have been announced in this House, is obviously intended to fetter all free discussion, and to repress, if not stifle, the expression of public opinion.—Large meetings, in periods of political ferment, furnish the means of ascertaining the designs and measuring the strength of the mal-con-

tents; they tend to disunite and discredit the rash and mischievous agitators of a mistaken multitude, and they not unfrequently serve as a vent, comparatively innoxious, of that ill-humour and discontent, which, if suppressed might seek refuge in secret cabals and conspiracies, dangerous to the safety of individuals in authority, and subversive of the peace and happiness of society. (Signed)

VASSALL HOLLAND DONOUGHMORE
AUGUSTUS FREDERICK GROSVENOR
THANET ERSKINE."

## HOUSE OF COMMONS.

*Tuesday, December 21.*

FRIENDLY SOCIETIES AND SAVINGS BANKS.] Mr. *B. Wilbraham* had to put a question to the chancellor of the exchequer, which, however ridiculous it might seem, was of great importance to the labouring population of Lancashire. It was reported amongst them that the government was about to seize the funds of the Friendly societies and Savings banks, and apply them to the payment of the national debt [a laugh]. This report had been caught up by persons little conversant in political matters, and had actually caused the breaking up of friendly societies, to the great loss of those who had claims on them. He was aware that it was impossible for the government to touch any of these funds, and that the report must have been circulated by designing persons. What, perhaps, enabled them to give currency to the report was, that in the last act for the amendment of the acts relating to Friendly societies, the money of these societies was directed to be lodged in the hands of the commissioners for the reduction of the national debt. He wished to hear a declaration on the subject from the authority which in that House was alone competent to give it.

The *Chancellor of the Exchequer* said, that even after the experience of the extent to which malignity and absurdity could go in the propagation of reports injurious to the administration, he had not been prepared for such a rumour as that alluded to by the hon. gentleman. It was utterly groundless; there was not the smallest foundation for it, either in fact or possibility. Under the authority of parliament, the money belonging to Friendly societies and Savings banks was kept entirely apart from the public money; and even if the Treasury were base enough, they had not the power to misappropriate those funds.

Mr. *Brougham* observed, that this was not the only time when such reports had been circulated. When the education committee was sitting, it was asserted that its intention was to seize all charitable funds, and to turn the two universities into charity schools. He was afraid that the declaration of the chancellor of the exchequer would not be effectual, as he had had an example of the inefficacy of facts or reason on such reports, in the case he had alluded to.

The *Chancellor of the Exchequer* hoped his declaration would be effectual, when it was known that not a single contributor to the Friendly societies or Savings banks had ever been deprived of his money by government.

Mr. *Calcraft* said, that it might be also said, in the way of consolation, to the people in Lancashire, that they need be under no alarm as to the paying off the national debt with the money of Savings banks, for that no money would be applied to that purpose at all. Till the last year there had been a sinking fund of fifteen millions; now there was only nominally a sinking fund of five millions; and that would probably fall so much short by the deficiency of the revenue, that nothing at all would be applied to that purpose.

The *Chancellor of the Exchequer* said, he anticipated no probability of any material deviation from the plan laid down by parliament in the last session.

ORANGE LODGES AT LIVERPOOL.] Mr. *Canning* begged to remind an hon. gentleman opposite of a statement which he had made on a former evening respecting a clergyman who had preached a sermon at an Orange procession, calculated rather to inflame than to allay the passions of his hearers. He was not at that time acquainted with the circumstances which the hon. gentleman stated, nor did he know the name of the clergyman; but he had since received a letter from him, denying many of the circumstances mentioned, and declaring that the sermon which he had been requested to preach on that occasion, and which he had consented to preach as any other clergyman would have done in ordinary civility, was by no means of the tendency which had been represented. He mentioned the text from which he

preached, and he (Mr. Canning) thought it a sort of guarantee against doctrines such as had been imputed to him: it was, "By this shall all men know that ye are my disciples, if ye have love one to another." He had made inquiries respecting the reverend gentleman himself, and had found that he was highly respectable in character.

Mr. *Bennet* expressed himself obliged to the right hon. gentleman for the opportunity afforded him of removing any erroneous impression which he might have been the means of occasioning. In the report which had been given of his speech on the night to which the right hon. gentleman alluded, he had seen many things which he did not state. He had been made to say, that the procession went to church bearing effigies, with the insignia of a pope and a bishop; that on their arrival at the church, they stripped the effigies of their robes, and threw them into the fire; and that then a clergyman preached a sermon which was nothing less than sedition. Now, he stood in the judgment of the House, whether he had said this. As to his having charged the clergyman with preaching sedition, all he had said on that subject was—"I conceive a sermon preached under such circumstances, to be sedition against man, and blasphemy against God." He was quite ready to admit that this clergyman, or any other who acted as he had done, thought he was doing right, but still he must disapprove of his conduct.

State of the Labouring Poor of Scotland.] Lord *A. Hamilton* said, the House were so often under the painful necessity of hearing of the distresses of the country, that he felt divided between the aversion to occupy their time, and the sense of duty to the county he represented. The petition which he had to present came from the presbytery of Hamilton, and gave the details of the misery and degradation of a large portion of that county. It was from a body of men who seldom approached that House—a presbytery, which consisted, as gentlemen acquainted with Scotland knew, of the clergymen of several parishes (in this case of 14). The petitioners stated, that according to the rules of the church government of Scotland, it was their duty to inquire into the state of their flocks. That they found that the wages of a labouring man were not sufficient to maintain a family—that many labouring men could not attend the churches for want of decent clothes; and that from the pressure of poverty the education of their children was often neglected—that there existed much disaffection, which, though not springing directly from want, was the result of designing men working on poverty. He hoped the House would take into its consideration the distresses of the labouring poor, for it would but have half done its work if it merely suppressed disaffection, which, while want prevailed, would continually recur. Among other means of relieving the distress without applying for public money, it had occurred to him that there was much waste land in that neighbourhood, of which the proprietors would willingly relinquish their rights in behalf of the poor for a term of years, if the government would also relinquish the taxes.

Mr. *Kennedy* bore testimony to the high respectability of the petitioners, whose statements spoke too strongly for themselves to need the aid of his assertions. When it was considered that an attention to the ordinances of religion, and a care for the education of their children, had been among the marked characteristics of the Scottish population, the distress would be conceived to be severe which had compelled them to neglect these duties. That part of the country from which the petition came was in this respect peculiarly unfortunate, that having been the seat of flourishing manufactures, the persons once engaged in them were now thrown as burthens upon the landholders.

Sir *W. De Crespigny* hoped that the political economists, who had ridiculed the plan he had proposed for examination (that of Mr. Owen), would think of some practical means of relieving the poor.

Lord *Castlereagh* said, his majesty's government had not been inattentive to the distresses of Scotland, but they doubted whether they could take measures to relieve it by public money, without injustice to the whole empire. Cases of as severe distress had occurred in other parts, especially in England; and in the answer of the earl of Liverpool to the duke of Hamilton, the noble earl had stated that he saw no principle on which he could apply the resources of the country at large to the relief of that local distress. The proprietors of land in Scotland had the power, though they were not subjected to the obligation, of assessing

themselves for the relief of the poor; and though they had gone as far as it was expected they should in the way of voluntary contributions, it was to be recollected that many proprietors in this part of the island had been taxed for the maintenance of the poor to the whole extent of their property, and it was only by that heavy contribution that the cry of the poor was prevented from reaching that House. He allowed there was a peculiar pressure of distress in the district alluded to, arising, among various causes, from that alternation of manufacturing prosperity and stagnation, which was the distinguishing feature of the present day. As to relief from the public, it was known that some time ago a certain sum was placed in the hands of commissioners, to be issued to relieve manufacturing distress, security being given for the re-payment. Half a million of that sum now remained unexpended in the hands of the commissioners, and was strictly applicable to that part of Scotland, and would be advanced if any visible security for re-payment in three, four, or five years, could be assigned. It was also the intention of the chancellor of the exchequer to move a vote under the head of civil contingencies, which would obviate difficulties as to the securities to be assigned. The gentlemen of Scotland, therefore, had the power of assisting themselves. For a long series of years they had been free from the evil of compulsory assessments; he hoped they would now be inclined to avail themselves of the power they possessed, especially as the whole burthen might not fall upon them within a year, but might be extended over a long course of years. In this part of the country there was no relief from the immediate pressure of an assessment which might operate within the year to the extent of the whole of the property assessed. But in Scotland the proprietors had no such burthen upon their rental. Would it then be fair, that the proprietors of England, amidst all the distress which surrounded them, should be called upon, not only to relieve the distress of their own poor, but also to contribute to the relief of the poor of Scotland? It would at least become the proprietors of that part of the kingdom, to show that they had done all that was in their power for the poor of their respective districts, before they made any application of this nature.

Mr. *Douglas* alleged, that the proprietary of Scotland had left nothing in their power undone, to mitigate the sufferings, and relieve the wants of their distressed countrymen. But what he meant to refer to in the question which he yesterday took occasion to put to the noble lord was, with regard to the commercial relations of the country, and the general state of its manufactures, into which he thought a serious inquiry should be immediately instituted. It was obviously the change which had taken place in the country with respect to commerce and manufactures, that had occasioned the existing distress, and parliament was called upon to consider of some means to remedy the evils resulting from that change.

Mr. *J. P. Grant* said, the House had now before it a petition in favour of a number of industrious deserving manufacturers, which contained such a detail of calamity as could not be heightened either by the speech of his noble friend or by any colouring that eloquence could confer, and yet the noble lord gravely and coolly said, that neither parliament nor government could do any thing for the relief or mitigation of such calamity, beyond a certain sum that might be lent on security for its repayment. But how did it become the noble lord and his colleagues thus to reply to a petition concerning the distressed manufacturers, considering that the great cause of their misery was to be found in the policy which those ministers had been pursuing for a series of years? The noble lord had observed, that the Scotch proprietors should show an adequate sympathy for their poor countrymen, before they applied to that House for pecuniary relief, especially as those proprietors had a power of levying taxes upon themselves. This sympathy, he would tell the noble lord, had been evinced by the Scotch proprietors, who had levied taxes upon themselves for the relief of their poor; but the fact was, that the property which they possessed was not sufficient to afford the amount of relief required. But, independently of the taxes paid in common by these proprietors, each was found as beneficent as his means qualified him towards his distressed neighbour. It came to his knowledge, that the relation of an hon. friend of his, who was a member of that House, allowed, out of his own private purse, no less than eight pounds a week for the relief of the poor in his immediate vicinity.

—But the noble lord appeared to think that, notwithstanding the experience of this country, Scotland should be visited with the evils of the poor laws. To such a proposition, he hoped that House would never give its assent. But it was vain to think of any palliatives for the distress of the people, or to attempt to evade its consideration. The noble lord and his colleagues might go on in persuading parliament to adopt coercive measures to meet some part of the consequence resulting from the present distress, but those measures must be inefficient while the great cause of the evil was allowed to remain without redress or inquiry.

Lord *Castlereagh* disclaimed any wish to transfer the poor laws to Scotland; but he would repeat, that while the proprietors of England were incumbered with the poor's rate, in addition to their other burthens, it would be too much to expect that they should also contribute from their funds to the relief of the poor of Scotland, while the proprietors of that country were altogether exempt from the poor laws.

Mr. *Ellice* animadverted upon the declaration of the noble lord, that government was ready to lend money for the relief of the people, provided security were given for its repayment. But when the noble lord made this proposition, he would ask, whether it was possible that he or any reasoning man thought that the present distress was merely temporary? For his own part, he believed that this distress, so far from being temporary, was increasing every day; and he was persuaded that it must continue to become still worse, unless measures were promptly taken to relieve the trade and finances of the country. He hoped that before the recess the House would have some opportunity of delivering an opinion upon these important topics, and especially upon that of finance. The House might go on in passing coercive measures to meet the effect of the present system, but these were only temporising expedients, and unless the great questions to which he had referred, should be gone into, parliament would have closed its present sittings without having done any good. They might think that they had removed alarm, but let it be recollected that the evil which gave rise to alarm—that the distress and discontents of the people, still remained.

Mr. *V. Blake* suggested, that to secure the payment of the interest of the proposed loan, a new toll should be imposed on the roads in the district to which that loan was to be granted.

Mr. *Wilberforce* hoped it was the impression upon every man's mind in this case, that some relief should be afforded to the poor people to whom the petition referred; for in a country where there was so much wealth, it would be quite inhuman to allow persons of this description to suffer absolute want. Were these poor persons among the disaffected, that might be a reason for feeling less sympathy in their favour; but even that would not justify the House in turning a deaf ear to their complaints. Here, however, those, for whom relief was supplicated were as remarkable for the propriety of their demeanour, as for the severity of their sufferings. There was, no doubt, a material difference between the situation of England and Scotland, in consequence of the application of a portion of the poor's rate in this country to the payment of wages: but this application was one of the many evils belonging to the system of the poor's rates, to which system he hoped that House would devote its serious attention; for the evils of this system were of grievous magnitude.

Mr. *Calcraft* concurred with the noble lord, that as this was a question between England and Scotland, it would be unfair to burthen the proprietors of the former for the relief of the poor of the latter, especially as the proprietors of Scotland were exempt from the poor laws, through the mal-administration of which the people of England suffered so severely. But while he deprecated the mal-administration of this system, he begged to be understood as a decided advocate for the principle of the poor laws. If any proposition should be made for the repeal of those laws he would stand up as its opponent. For he was quite convinced of the equity of the principle of those laws, however he lamented their improper administration, and especially the misappropriation of the funds collected by those laws in the payment of wages.

Sir *J. Mackintosh* protested against the view which had been taken of this subject on both sides of the House. He protested, in the first place, against the observation of his hon. friend, that this was a question between England and Scot-

and; and secondly, against the doctrine of the noble lord, that no relief should be granted to the poor, who were the subject of this petition, unless the proprietary of the district should submit to the poor's rate. To the observation of his hon. friend he would say, that he thought parliament equally bound to attend to the complaints, or to relieve the distress of every part of the inhabitants of Great-Britain, all of whom had contributed to form the fund from which that relief was solicited; and to the position of the noble lord he would observe, that it would not be right to extend the poor laws to Scotland. But while he said this, let it not be understood that he was an enemy to the principle of these laws. That principle was indeed so entwined with the institutions of this country, that any one who should propose the repeal of the laws which rested upon it, must be deemed fitter for another place than for that House. But if these laws were restored to their original use, they would create no dissatisfaction in the country. It was their mal-administration, and especially the misappropriation of the funds in payment of wages, which had occasioned so much discontent. But, to return to the petition, he trusted that its prayer would be duly attended, and that some relief would be granted to such a deserving class of sufferers who, in fact, desired only to be employed and to be rewarded for their industry by the means of common subsistence.

Lord *A. Hamilton*, on moving that the petition should be printed, stated, that it was a mistake to suppose, that there were no poor's rates in Scotland, those rates being very considerable, although there were no poor laws in that country. But even if the system of poor laws were established in Scotland, were gentlemen aware that there were no less than between 20 and 30,000 persons in Glasgow who were not natives of that country, and how were those persons to be relieved? The Chancellor of the Exchequer had last year obtained from parliament the grant of 100,000*l.* for building churches in Scotland, on the ground that the people were in want of such churches, but there was a paragraph in this petition stating that the people could not go to church from want of clothing. Would it not, then, be but considerate in the right hon. gentleman and his colleagues, to consider of the means of supplying the people with that clothing, without which these new churches would be of no utility.

Mr. *Maberly* argued against the principle upon which it was proposed to accede to the prayer of this petition. The manufacturers and merchants of Scotland had, as well as the same classes in other places, materially profited from that monopoly of trade which Great Britain had enjoyed throughout the war. Those people, through whose labour that profit was obtained, were now distressed in consequence of the cessation of that monopoly; and was it fair, that instead of having their distress relieved by the capitalists whom they had enriched, that relief should be demanded from the public funds? He called upon the House to resist such a demand; any concession to it must serve to establish a most dangerous precedent.

Ordered to be printed.

Scotch Burghs.] Lord *A. Hamilton* rose to move for the re-appointment of the Committee to inquire into the state of the Scotch Burghs. He understood, that no opposition on the part of ministers was intended to the motion. The only alteration he should propose, was, to substitute, in the place of a gentleman who was not likely to attend, another hon. member. The report that was made by the former committee, was before the House, and he could appeal to it, as confirming every observation he had ever uttered on the subject. The abuses proved to exist, were so gross, so perpetual, and he might say, so flagitious, that nothing but an investigation into the causes could provide a remedy. These abuses sprung from the practice of self-election in corporate bodies endowed with the power of perpetuating the abuse. When he had introduced the subject first to the consideration of the House, it was retorted upon him, that whatever he might profess, his object was parliamentary reform. He repeated now what he then stated, that neither himself nor the petitioners from the Royal Burghs sought parliamentary reform directly, although neither he nor they disguised from the House, that any alteration in the burghs must collaterally and in a small degree affect the representation in that House. If parliamentary reform grew out of the change, it would do so collaterally, and not directly. The strength of the existing abuses were fully illustrated in the fact, that three most

populous places, Inverness, Aberdeen, and even Edinburgh, were under a sentence of disfranchisement. As to Edinburgh, though he saw in his place the right hon. member (Mr. W. Dundas), yet it was now a question before the Court of Session, whether there had been an election or not? Aberdeen was in a worse state, as it had no vote whatever. Inverness, he believed to be in the same predicament. Under these circumstances, he was warranted in asking the House to pursue the inquiry further. The noble lord concluded with moving, "that the Petitions from the Royal Burghs of Scotland be referred to a Select Committee."

Mr. *W. Dundas* observed, that the noble lord, in moving for the renewal of the Committee, had said a great deal, of which he (Mr. D.), had never heard before, and which was not in any degree confirmed, even by the luminous report of the last committee. As to the election of Edinburgh, the only question arose from the chance absence of one of the magistrates. The noble lord had stated the Burgh of Aberdeen to be bankrupt; that he denied, and dared him to the proof. The noble lord had that night struggled to show, that parliamentary reform was not his object; he believed the noble lord before to feel that parliament would not suffer those corporate rights, guaranteed by the articles of the Union, to be shaken. All that could be expected was, to replace the boroughs in the state in which they stood previously to that compact, so that no burgess should be made liable to debts, over which he had no control.

Mr. *Forbes* reminded the House, that during the discussions of last session, he had uniformly maintained, that the burgh of Aberdeen was not bankrupt. He could now prove that facts justified his opinion: Aberdeen was paying an interest of four per cent on all its debts, and in the course of a year five per cent would be paid up on the arrears of the two last years. The town of Aberdeen was considered good security, and most of its creditors would feel greatly disappointed were the debts paid off. He did not rise to oppose the motion, for as far as the labours of the first Committee went, they were as productive of as little evil as of good.

The motion was agreed to, and Committee appointed.

CHELSEA PENSION LIST.] Lord *Nugent* rose, pursuant to notice, to move, "That there be laid before this House, a return of the number of persons liable to be struck off from the Chelsea Out Pension List, in consequence of His Royal Highness the Prince Regent's Proclamation, dated 28th October 1819; distinguishing those who originally enlisted for seven years under the Act 46 Geo. 3rd, whose time of service, according to engagement, has expired, and who are entitled under that act to certain pensions in consideration of wounds." His object in so moving was, to be enabled to move hereafter, for leave to bring in a bill to expunge so much from the act, commonly called the Chelsea Pension Act, as affected a certain number of persons now deprived, unjustly as he conceived, of pensions intended for the reward of their service. He did this with the greater pleasure, not only as he conceived that his motion affected a strong subject of public inquiry, and a subject involving points of no small constitutional importance; but also, because it affected a class of persons, than whose claims, he would venture to say, on the justice, the sympathy, the humanity, and the gratitude of this country, it would be difficult to conceive any of a more sacred or imperious character. These men had come forward at the very time when it was found necessary to recruit the army by a new and invigorating system, in order to enable it to cope against a veteran and successful enemy. They had earned their well-contested glories, and had now retired on small but honourable pensions; which pensions, if the law had any power at all, the law of the land ought to establish as their property. He required parliament to look at their own acts, and to look at, what he thought, the illegal proclamation of October last. That proclamation set forth, that all those persons (excepting certain regiments only from its operation) who should not report themselves for a certain length of service, should be deprived of the pensions which they then enjoyed. Now, there were many hundreds who would be affected by this proclamation; particularly those (whose claims he should support) who were originally destined for seven years service; and who, having received certain wounds, were entitled to certain pensions, settled by the provisions of what was commonly called Mr. Windham's act. Such persons having received their discharges, and

being in fact, no longer soldiers, he would ask by what right, by what law, by what power, they could now be deprived of the pensions awarded to them by the act. He confined himself to that description of persons whose term of service had expired, and who received such pensions. An hon. gentleman the other night had required them to admit the right of the Crown to deprive persons of their pensions, even in cases where they had been granted for life: he did not not intend to answer his requisition; he would not answer it, because it was not relevant to this subject—but more particularly because, if necessary, he could find cases directly to the point, which would go quite counter to the hon. gentleman's assertion. His own case was that of persons who had served their term of service; and he rested it upon three grounds —upon enactments, upon regulations, and upon authorities: on enactments, because of Mr. Windham's bill; on authorities, because of the opinions expressed in the speeches of all the hon. gentlemen who had spoken upon that bill, at the time of its introduction into that House; and on regulations, because of those which were adopted conformably to it. [The noble lord here read two clauses of the act. 46 Geo. 3rd]. If this bill did not give to the soldier a vested right and property to such pensions as should have been appointed by the rules and regulations in force at the time of the enactment, he should be glad if the hon. gentlemen opposite would tell him what it did do. In fact, he could not in any other way understand what it meant. If it intended otherwise, it was an absurdity, or worse than an absurdity; for it would hold out certain advantages to men enlisting themselves for a certain number of years; whereas, after so enlisting and serving, they would find that they were liable to be called out at any time of life under penalties. These men had retired with honourable scars, and had received pensions to which these honourable scars established their best title; but then came the proclamation of his majesty, dated in last October, and turned the whole of their claim to pension into waste paper. It called them out, perhaps at very great inconvenience to themselves, from their wives, their families, and their homes, and possibly from their trades and occupations, under penalty. He would ask, how were they to punish men such as these for desertion? He should apprehend they could not do so: for being, in fact, no longer soldiers, they could not come under the enactments of the Mutiny bill, which only applied to the precise description of persons mentioned in its preamble: and although these "might not be actually discharged" from further service, yet the case was quite different with this body of men (for whom he addressed them), who might be broken in spirits and enfeebled in body, in consequence of wounds received in their country's service; and could not therefore be contemplated by the provisions of the Mutiny bill. Those individuals, in consequence of those very wounds which obliged them to retire, would be placed under the necessity of obeying any call made on them by government, under the penalty of being deprived of their pensions. If the bill were to have a contrary operation, it would be a measure, not affecting the unwounded soldier, but grievously affecting that class of men, who, having performed great public service, deserved a commensurate public reward.—He next came to the rules and regulations of Chelsea hospital, which applied to their case. If any one of those could be pointed out that tended to nullify Mr. Windham's bill, he then should deny the right of the Crown, by promulging any set of resolutions, to nullify existing laws. There was, however, nothing of the kind in the rules and regulations. There was not amongst them any one provision, which in any degree affected the interest of those persons. If a reference to these rules and regulations did not make his case strong enough, he should further support it by quoting several authorities, the force of which, he believed, would not be disputed by hon. gentlemen opposite [Here the noble lord read an extract from Mr. Windham's speech, in which he insisted upon the necessity of keeping strict faith with those who should enlist under the idea of engaging for limited service; and explained the advantages of his bill.] In addition to this, he possessed also the authority of the noble lord, the secretary for foreign affairs, of the right hon. the president of the board of control, and of the late Mr. Perceval; and he defied the noble lord (Palmerston) to produce any thing of equal authority which could be held to affect the claims of these men. He would venture to say, that no act could be found which might authorize the taking away of

similar pensions, except in the cases of persons who had engaged for life, or for a certain number of years, and had not gone through their stipulated service. A departure from a compact like that to which he had directed their attention, would be fatal to the spirit, and almost to the existence of the service. The superannuated soldier had imposed a debt of gratitude upon his country, which could never be repaid but by the most anxious, the most tender, the most vigilant solicitude, to secure for him that reward and that repose which his past services had so eminently merited.

Lord *Palmerston* objected to the shape in which the noble lord had brought forward his motion. The paper which he had called for was not that which was necessary for his purpose. He was very willing, however, to meet the noble lord upon the principle of this bill. Its intention evidently was, to enlarge the military force of that day, by holding out farther inducements to recruits. The noble lord thought that this bill gave a permanent and indefeasible right to the soldier to enjoy his pension, under whatever circumstances he might have received it. This was not the case, nor had such a regulation ever been contemplated by Mr. Windham: all the law did was, to create a right under certain conditions, which conditions or regulations were reserved for the Crown to make. What were the words of the act? With regard to the 5th section, it did not bear at all upon this question. The only meaning of the 5th section was, that men, who entered the service under certain regulations should not be deprived of the benefit arising from those regulations by the Crown, at any subsequent period. In short, it went to secure to the soldier the benefit of the regulation which existed at the time of his enlistment. But the third section was that on which the question turned. The 3rd section said, "that from and after the passing of the act, &c., any soldier shall be entitled to his discharge by reason of the expiration of the period of service, fixed in the orders and regulations of his majesty's government;" leaving it in the power of the king to fix the period of service: and it further provided "that men so discharged should be entitled to receive such pensions, allowance, or relief, as should be fixed in the orders and regulations in such cases respectively." These words he apprehended, did not give a perpetual right to the enjoyment of a pension; and if they did not, what did they give? In his opinion, these words were introduced to give conditional pensions to those who had not received pensions previous to the passing of the act. The noble lord, he thought, had entirely mistaken the object of this clause. It was well known, that previous to the passing of the act, the pension granted to the soldier was entirely dependent on the bounty of the Crown; and in this state of things, not alone was the man bound to prove a case of service and disability from wounds, but he must also produce the recommendation of his commanding officer. Now, in the opinion of Mr. Windham, it was desirable to do away with this discretion, and to enact, that if a man should present himself, in every other respect with a sufficient claim, his pension should be granted, and he should not be subject to the caprice of his commanding officer, or to the unjust or improper exercise of the authority of the Crown. It only remained then to say, what was the period at the end of which a man should be entitled to a pension, or what degree of disability would justify his claiming. This point was left in the discretion of the Crown, who adopted such regulations as the circumstances of the service seemed to warrant; and to these regulations, whatever they might be, the soldier was bound to submit. This he thought, was the only fair interpretation of this act. But the noble lord said that he had authorities which led to a different interpretation. Now, he was sure he could refer to the authority of Mr. Windham himself, as corroborative of his proposition, that this bill did not give to a man an indefeasible right to his pension. If either Mr. Windham or general Fitzpatrick had entertained such a notion, they would have distinctly stated it on the passing of the bill; but so far from this being the case, the regulations adopted under their auspices, after the passing of the act, clearly proved the converse of such a proposition. In fixing the periods for which the men should enlist, it was seen that for the first seven years no pension was granted; but that if an enlistment took place for fourteen years, and that period was completed, the right to a pension existed; and if the service was extended to 21 years, the right arose to a larger pension; but if a soldier were discharged before the completion of the three full periods of service, namely, 21 years, and should be in the receipt of his

pension, it was further provided, that he should forfeit that pension, unless when called upon he agreed to complete the full three periods—that was to say, if a man were discharged at the end of 14 years, and was in the enjoyment of his pension, if occasion existed for his services for the 7 remaining years of the whole period of 21 years, and he should refuse to serve them, he lost his pension altogether. It was impossible to place any other construction upon the words of the act. Unless this were the case, he apprehended the House would think a very bad bargain had been made for the country. The regulation which fixed the rate of pensions given to men disabled from wounds was open to precisely the same construction; and if the man were able, he was equally liable with the man who had received his pension for length of service, to be called upon to serve his full three periods of service. If this were not the law, the country would be placed in a most preposterous condition. The object of Mr. Windham obviously was, to keep a *corps de reserve*, but this object would have been altogether defeated, if the conclusion come to by the noble lord were correct. And what else would be the result? Why, men who had entered the service at 18 years old, would, at the end of 14 years service, when they had arrived at the extreme old age of 32, be for the rest of their lives entitled to partake of the bounty of the country, without any opportunity existing of calling upon them to make some return for such generosity! This would indeed be a monstrous state of things. Of pensioners there were not less than 75,000 men, none of whom would then contribute to the public service. It was true, that many of these men were unable to serve; but a great number of them were useful and effective troops. He very much regretted the noble lord had chosen this particular period for bringing forward this question. All he could say was, that the act granted pensions under particular regulations, and that those who received pensions must, in order to entitle themselves to their continuance, act in conformity with those regulations.

Lord *Althorp* perfectly agreed in the construction put upon the first part of this act by the noble secretary at war; namely, that where pensions were granted to soldiers for length of service, the Crown had a right to call for their services until they had completed the full periods which the conditions in the regulations alluded to distinctly stipulated. He did not agree with him, however, in the other branch of his definition; namely, that which referred to pensions received for wounds. In such cases he thought a similar right of calling for the services of the soldier did not exist. At all events, doubts existed on the subject; and he thought those doubts should be construed favourably for the soldier.

Mr. *C. Long* said, the only question here was, what was the condition upon which the soldier enlisted? The regulations adopted by the officers of the Crown was, that a soldier, in order to entitle himself to the enjoyment of his pension, must render himself liable to be called upon to serve the three full periods of his enlistment, amounting to 21 years. These regulations were suggested by Mr. Windham himself; and if he had meant to come to a different conclusion, he would no doubt, have made his bill clearly intelligible. From the beginning, it was evident that Mr. Windham contemplated the securing of the service of the soldier for 21 years; and very few instances had occurred in which the soldier was disposed to question this proposition: on the contrary they were generally anxious to disguise their wounds, so that they might get into the veteran battalions.

Mr. *J. P. Grant* said, that with regard to the question of pensions for length of service, it clearly appeared that the soldier was subject to the conditions laid down in the regulations adopted by the Crown. The same rule, however, did not apply to that class of persons who received pensions for wounds. In the former case, the words of the regulation were, that they should only receive their pensions on the condition that when called upon they should complete their service for their three full periods; in the latter, however, the words were that they should "complete their service for the period for which they had been engaged." In these regulations, therefore, there was a marked distinction, and he apprehended if a man had only engaged for seven years, and received a pension for a wound obtained during that period, he would, according to the words of the regulation, have, to all intents and purposes, completed the period for which he had been engaged, and could not be compelled to serve longer than seven years.

Mr. *Calcraft* thought the question in this case was extremely narrow. The only point at issue was, what construction was to be put upon the words "the period of service for which they had been engaged." In his opinion, if a man enlisted for seven years, that was the period of his engagement; and if he became entitled to a pension during that period, the Crown had no right to call for his services any longer.

The question was negatived.

Newspaper Stamp Duties Bill.] The report of this bill was brought up. On the motion that it be agreed to,

Mr. *Primrose* rose to oppose the measure. This bill, he said, had now arrived near its last stage, and still the discussion on its principle had not taken place. No gentleman on the other side came forward to defend it against the objections which had been stated to it. At first, when it was proposed to discuss it on the second reading, the noble lord opposite had wished the debate to be postponed to a future stage; that stage was now past, and the discussion of the principle of the bill was deferred till the third reading. He rose to oppose the bill, because, both as taken by itself, and as composing a part of the system of measures which was introduced along with it, it appeared to him as one of the most vital importance, affecting the liberties and constitution of the country—a measure, not calculated to call forth declamations, but to be opposed as effecting a change in the practical privileges and rights of the people. This was not like the Seditious Meetings bill, of a temporary nature, but was intended to be permanent, and could only be defended on one of two grounds—either that the freedom of the press had been at all times an evil that required correction; or that it was a privilege which, though good in itself, we were now unworthy of enjoying. Now, so far was the first of these positions from being true, that it might on the contrary be proved that it was productive of great practical good; that ever since the Revolution, its tendency had been to preserve order and to ensure good government; and that nothing had operated so much to prevent troubles, or even a total dissolution of the government. This might be illustrated by recurring to times anterior to the Revolution, when a free press did not exist, and when, consequently, the people, having no other way of expressing their opinions, had vented them in acts of insurrection and violence. Although the hon. member for Corfe-castle had last night deprecated the existence of the Star Chamber, he had reminded the House, as a kind of advantage, that a free press did not then form a part of our constitution. But what was the consequence? What did history say of those times in which there was no freedom of the press? It described a perpetual contest as existing between the government and the people—the Crown attempting encroachments on the one hand, and the people rising to oppose those encroachments on the other. Having no means of expressing their opinion, or of influencing the government by a declaration of their claims, they were obliged to recur to physical force; and the government was not warned of its danger till its very existence was threatened. He might amply illustrate this by an appeal to the period of the reign of Charles 1st. He might even say, that the revolution which then took place would not have happened, had the king been warned in time of the wishes of his people through the medium of a free press. Nor would the encroachments which followed in the two subsequent reigns of Charles 2nd and James 2nd have occurred, had the dangers of them been pointed out through the same medium. So far was a free press from being dangerous to governments, that it was their best protection, as it prevented, by an amicable understanding between the authorities and the people, those popular commotions which must always happen when grievances, either real or imaginary, produced a separation between them. The hon. member for Corfe-castle seemed to take great credit to himself for showing that the eminent persons who conducted the Revolution had consented to restrictions on the press during the first year of the reign of William 3rd; but he had forgotten to state, when he mentioned that the then ministers had introduced restriction bills, how often they had been rejected by parliament. The severe laws of Charles 2nd, he believed, had never been re-enacted but once in William's reign; and that was in 1692. The re-enactment was recommended by the committee on the expiring laws, and had

passed on that recommendation; but in 1694 it was rejected. Attempts were made by the ministers to renew the bill till 1697, but were always defeated, and then finally given up. It was not fair, therefore, in describing the attempts of the government to introduce restrictions, to omit entirely all mention of the example of parliament resisting those attempts. With respect to the Seditious Meeting bill, he opposed it on its first introduction, because it was intended to be perpetual; but agreed to its third reading, because the clause enacting its perpetuity had been withdrawn. He opposed the present bill for the same reason that he at first did that for suppressing public meetings, because it was intended permanently to restrain the expression of public opinion. What was the difference between a free and a despotic government, but that public opinion was expressed, and produced its influence on the former, and not on the latter? A government might be theoretically good, and yet practically unjust and arbitrary, if the influence of public opinion were withdrawn; while, on the other hand, public opinion, acting on a government with great theoretical imperfections, might produce most of the practical benefits of the most perfect system of social subordination. Theoretically speaking, the manner of electing members for the House of Commons promised none of the advantages of a fair representation of the people, and a part of the constitution was thus an absurdity; but the House of Commons thus constituted, as had been said by a right hon. gentleman (Mr. Canning) "worked well," adopted wise measures, and enacted wise laws. But why did it "work well?" By the influence of public opinion operating upon it. And how could the public opinion express itself so as to produce these practical benefits? Why, through the medium of public assemblies and a free press. It had been said by hon. members who supported the measures of administration on the present occasion, that great as the privileges of meeting publicly and discussing freely were, they were still liable to abuse, and ought to be restrained. From the class of persons who of late had called and attended the great meetings which the Seditious Meetings bill was intended to put down, he entirely dissented; he was decidedly opposed to universal suffrage and annual parliaments, the doctrines which they supported; but still he thought that public meetings would not produce the advantages of making known to government the wants and wishes of the people, if restrictions were imposed on the expression of opinions, however absurd; and, in the same manner, the press could not produce all the good which it was calculated to produce, if it was not (he would not say licentious, but) bordering on licentiousness. Unless it could speak freely of public men and public measures, unless it could examine into the conduct of all the departments of the government, and denounce abuses wherever detected, unless it could discuss every proceeding of the administration, not excluding even the administration of justice, it could not produce its full effect, nor could our government and institutions remain entire. The administration of justice could not be long expected to continue pure, unless the proceedings of the courts were made known, and the conduct of the judges watched by a very free and vigilant press. The judges could not be questioned as to their conduct, but in parliament, which thus furnished no immediate or practical remedy against their malversation; but the press, which made known their acts, and was ready to censure their conduct, supplied the immediate and certain means of enforcing the performance of their duty, or punishing their departure from it. The Houses of Parliament and the courts of justice could thus be kept within the pale of law and constitutional conduct, only by the exertions of a free, a very free press. The liberty of the press was a part of our constitution. It had been made so in 1694, when the censorship was abolished; and having remained so for 126 years, it did not become gentlemen to go back to the reign of Charles 2nd, or James 2nd, for precedents of restriction; nor to that of Alfred, as the hon. and learned solicitor-general had done, to prove that securities before publication was not an infringement of our rights, because that monarch had tithings securities for each other. An hon. gentleman (Mr. Bankes) had stated with an air of discovery, that there was nothing about a free press in the Bill of Rights, and had inferred from the omission that a free press was then regarded as an object of little consequence. He admitted the fact, but denied the inference. The freedom of the press was not secured by the Bill of Rights, merely because the Bill of Rights contained only those

rights that were infringed by the Crown without an act of parliament, and the great evil against which it was intended to guard was the dispensing with acts of parliament by the Crown. But the censorship of the press had been exercised by act of parliament, and therefore could not be brought forward as an encroachment of the Crown which it was necessary to provide against by a claim of freedom of discussion from the Crown. It ought to be recollected, that though the liberty of the press was not, for the reason he had stated, secured in the Bill of Rights, it became the law of the land only five years afterwards, the Bill of Rights having passed in 1689, and the censorship having been abolished in 1694. He confessed he was surprised at some of the doctrines which he heard stated in that House, in which it was maintained that the freedom of the press was inconsistent with the security of private property. Whether was private property, he would ask, most secure in free or despotic states? On the answer to this question would depend the answer to the objection against a free press. If the present bill passed, it would as essentially change the constitution as a bill to abolish the House of Commons. If the House took away the channel by which public opinion expressed itself, he considered the first step taken towards revolution. Unless means were allowed to the people of acting upon the government and the legislature, by public opinion, they could only act by physical force; and thus a foundation would be laid for a revolution of the kind which they contemplated, or one which he should more deprecate, ending in the establishment of arbitrary power. The hon. gentleman then proceeded to discuss the clauses of the bill, and contended that they gave a complete power to the Crown to allow the publication of any thing agreeable to the Crown, as no prosecution could be carried on for a transgression of the act without the authority of the attorney-general, who might refuse his consent if he wished to encourage the publication. The bill gave a complete power to the Treasury to limit the class of persons who should print and publish works of a certain sort. The hon. gentleman from the importance of the measure pressed the necessity of delaying the further consideration of it till after the holidays. Many members had already left town, and it did not become ministers to hurry a bill of this kind through the House with a thin attendance. It should be discussed after the adjournment, when gentlemen could come to the discussion with cool and dispassionate minds, prepared to examine the proposed law in all its bearings, to ascertain the effect it would have on public liberty, and its influence on the constitution. [Hear].

Mr. *R. Martin* expressed a desire to see the bill pass with all due expedition. He held in his hand a letter from Ireland, stating, that several emissaries had appeared in the western counties, organizing the people, whose machinations ought to be checked.

The report was agreed to.

Blasphemous Libel Bill.] Lord *Castlereagh* moved the second reading of the Blasphemous and Seditious Libel bill.

Lord *Ebrington* felt much diffidence in addressing the House upon this subject. His diffidence was increased by the consciousness, that he could not add any thing to the unanswered and unanswerable arguments already urged from his side of the House against these measures. He trusted, however, that as he did not often claim the indulgence of the House, he should experience it upon the present occasion. He protested against the whole of the system of measures of which this however appeared to him to be the most objectionable. Although he would admit some of those measures to be locally and temporarily necessary, yet he could not help thinking that the whole, brought forward and supported as they were, formed the most alarming attack ever made by parliament upon the liberties and constitution of the country. Here he must say, in reference to what he considered as the source and cause of all the measures brought forward—he meant the proceedings at Manchester—with respect to those proceedings, all he heard in that House only strengthened his previous conviction that inquiry, rigid and impartial inquiry, was loudly called for, and was indispensably necessary for the purposes of justice. The most positive assertions, and the most distinct offers of proof from his side of the House, were answered only by counter-assertions and by *ex parte* statements contained in the papers on the table. The legality of the meeting was still a matter of question, if it was not positively established. The dispersion of the meeting appeared at the present moment to have been unnecessary,

illegal, and cruel. The House of Commons would therefore have only done their duty to the country—his majesty's ministers would have consulted their own interest, if the present measures had been preceded by strict inquiry; and if an attempt had been made to alleviate the distresses of the people, rather than recourse had to severe and coercive proceedings. But all inquiry had been rejected, and parliament had been called on, in a moment of alarm, not unfounded but greatly exaggerated, to legislate, not temporarily, or according to the exigency, but permanently, and in a manner that involved the innocent with the guilty. The right of meeting and petitioning was fettered for five years, and by other measures our liberties were to suffer permanently. But, alarming as the measures themselves were, he thought the manner in which they were received in that House, and the arguments by which they were supported, still more alarming. He had heard with astonishment the greatest blessing and the best security for the tranquillity of the country, represented as an evil, and the cause of disaffection and disloyalty. An hon. member had represented the general diffusion of education among the poor as the cause of those evils which now existed. At such an assertion he could only express his astonishment. Another hon. and learned member had referred to the security required from publicans as similar to the recognizances proposed in the Stamp-duties bill: but this was an argument which did not bear at all upon the subject. The state of morals in this country was not such as to call for such a measure as the present. It was not, he trusted, necessary for him to guard himself from misapprehension by expressing the abhorrence which he felt at the principles of blasphemy which were propagated. He admitted that some miscreants did circulate such principles, but he believed that their number was far less than it was represented by the other side of the House. As proofs that there did not exist in the country that spirit of blasphemy and infidelity from which some hon. gentlemen anticipated so much change, let the House look to the Bible Societies; let them look to the various societies for the propagation of the gospel, societies patronized, not by the rich and the great alone, but by all classes above the very paupers; let them look at the new churches and chapels building in every part of the country—let them look at the immense increase of meeting-houses. Many clergymen in the church were heard to complain that the people did not think the devotion of our own church sufficient for them. He was sincerely attached to the church, and did not wish to encourage methodism; but he could appeal to the increase of methodism as proof that blasphemy was not generally prevalent. But even admitting the evil to exist to a far greater degree than it really did, surely it was incumbent upon those who brought in the present measures, to show that the existing laws were not sufficient to meet that evil, before they called upon the House to pass other laws, by which the dearest privileges of Englishmen were invaded and destroyed. Since 1810, only one individual had been prosecuted for blasphemy, as appeared from the return upon their table; and he had been successfully prosecuted. The conviction and punishment of that individual could not be supposed to encourage blasphemy. The severity of his punishment might be thought sufficient without severer laws. Parliament had already restricted the right of public meeting; they had already repressed, and properly, all unnecessary military trainings; they had already, by too severe a law, authorized magistrates to search for arms. They had just had before them, a law proposing new and unheard of securities against the possible abuse, or rather an imagined abuse, of the *intention* of writing. Under those circumstances, the House would surely do wise to pause before they proceeded further. In urging delay, hostile though he was to the principle of this bill, and particularly to the punishment of banishment proposed in it, his object only was to gain time for consideration. At present, it was impossible to give it due attention. Those who entertained the greatest alarm upon this subject could not suffer their feelings to run away with them, so far as to apprehend any danger or evil from the delay of this bill till after the recess. He would therefore move as an amendment, that for the word "now" be substituted "the 15th of February."

Colonel *Davies* could not sufficiently express his surprise at the extraordinary conduct of ministers. He asked whether it was respectful to the House, whether it was respectful to the country, that this

subject should be debated night after night on his side of the House, and that not one word should be said by ministers? When the rights and liberties of the country were attacked, were hon. gentlemen on his side of the House to get up one after another, and urge the most forcible arguments against those attacks, and was the House to hear not one word in their defence but such speeches as they had heard last night. In the annals of parliament were not to be found such arguments as had been used last night in defence of these measures. Measures adopted in the time of Charles 1st, measures adopted by the long parliament, measures peculiar to the rash councils of the Stuarts, were the only precedents urged in defence of the present measures. If arguments were to be selected by the friends of the measures against themselves, none more forcible than those could be found. What worse could be said of the measures before them, than that they were paralleled only by abominable measures, passed when there was not a vestige of the liberty of the press—when there was not a trace of civil or religious freedom? Was it, he asked, by measures of this kind that we had attained to all our eminence in freedom, in commerce, in wealth, in general prosperity? Was it by measures like these we had become the admiration and envy of the world? Was it necessary to remind gentlemen, that if measures of this kind had always existed, the public mind had never been awakened, the constitution on which Englishmen so justly prided themselves had never grown up to its acknowledged excellence and strength? By repressing the free circulation and the open avowal of opinion, that warning voice which often apprised of danger and preserved from ruin, would be silenced, but instead would be generated a deep, lasting, and dangerous spirit of indignation and resentment. Men would in secret brood over their sufferings and their wrongs, till a sudden explosion would spread over the land a calamity as complete as it had been unforeseen. But he had not risen to discuss the question; he had risen only to protest against the violation of every principle of decency which appeared in the conduct of ministers. In the history of parliament—gentlemen might laugh, but he would repeat, that in the history of parliament, was nothing to be found so indecent. Objections had been urged against the legality of many parts of the present bill. Why did not learned gentlemen on the other side at least attempt an answer? The necessity of the measure was denied. Why was no proof offered of the existence of any necessity? If ministers could urge one good ground for such a measure, let them receive the gratitude of the country, instead of the abhorrence with which they and their measures were now regarded.

Mr. *Money* said, he cordially assented to all the measures proposed as calculated for the protection of our religion and our liberties. He trusted that the whole had not yet appeared of the measures prepared for stemming and turning the tide of blasphemy, which was now poured into some of the most populous, and hitherto some of the most religious parts of the country. A right hon. and learned gentleman had stated, in a speech at distinguished for piety as for eloquence, that blasphemers carried their pernicious industry so far as to convey their poison to the minds of youth by means of primers and catechisms. Of this fact, too, there was abundant proof. The magistrates of the county of Chester stated in the papers on the table, that blasphemy and sedition were taught in schools where thousands were educated. The grand jury of the same county declared that the holy scriptures were reviled and laughed at, and audaciously represented to the people as false, by blasphemers, who thus deprive the people of all the moral restraints, and all the hopes and comforts of religion. The earl of Glasgow also stated, that most active endeavours were made to instil the most poisonous principles, and to eradicate every principle of religion from a district once the most religious. A gentleman, much experienced in the knowledge of mankind, and well known to that House, had said, that it was one of the worst symptoms of the age, that sedition was conveyed to the child with his lesson. That an early and effectual antidote to this evil was necessary all must admit. It was the bounden duty of the House to extend a moral and religious education to every part of the country. The tax on cheap publications, as it would diminish the sale of them, would in so far diminish the evil which they were the means of inflicting on the country. But there were other publications, on which some restraint ought to be laid—he meant Sun-

day newspapers, which were the most fruitful sources of the mischiefs which had sprung out of the abuses of the press. This evil ought to be repressed. They were a modern innovation on the repose of the sabbath: and being published when the lower orders were idle, they were read with avidity. The publishers of these papers selected and arranged all the poison of the week, and brought it out in one copious dose. The reading of these papers occupied the time and attention which ought to be devoted to the sabbath. Hence proceeded much of the increase of infidelity. Surely on one day of seven, a day divinely commanded to be kept holy, the sale of news ought, like all other sales, to be prohibited. He knew of no other shop that was allowed to be open. The shops of booksellers, libraries, and every other shop, were shut. Many of those most interested in the sale of those papers were anxious to have them repressed. He had seen a petition signed by 60 or 70 news-venders, which was intended to be presented to that House. They declared that they were placed in the most inconvenient situation by the increase of Sunday newspapers, for that they were unwilling to live by the breach of the sabbath; and those papers induced persons to frequent public-houses, and circulated principles and doctrines that were disloyal, seditious, and profane. He trusted that the suppression of those papers would be undertaken by his majesty's government as a measure that would tend much to effect the object intended by all the measures now proposed. At this crisis they had the confidence of the great majority of the country, as they had in the counsels which, sanctioned by parliament, had conducted the country triumphantly through the war. The same counsels, he trusted, would, through divine Providence, preserve unimpaired the institutions of our ancestors.

Mr. *William Smith* could assure the hon. gentleman who had just sat down that he would agree with him if he could prove his case. Those who knew him best, would as little suspect him of blasphemy, sedition, and impiety, as the hon. member. If he saw any reason for believing what the hon. gentleman wished the House to believe, that there were schools in the country, in which sedition and blasphemy were taught, he would be as forward as the hon. gentleman for almost any measures. But the whole evidence was mere assertion of the most vague and uncertain nature. There was nothing like proof. Not one primer or seditious spelling-book was produced which could be produced by scores and thousands, if the assertion were true. A very respectable friend had told him the same story. He had told him that he had come out of the country recently, and that sedition and blasphemy were taught in schools. He asked his friend whether he had seen any books of that kind. His friend acknowledged that he had not, but that he had had his information from good authority. But he, upon further interrogation, acknowledged that this authority had never seen such books. What, then, was his evidence? "Somebody told me that somebody told him that something existed." It so happened in every part of the information on which the subjects before them were founded—subjects on which he was unfortunately in a minority. Inquiry was refused, and they were desired to take every assertion in the papers on the table as an ascertained fact. Of those papers some were too vague, and a great many were not the result of personal knowledge. He regretted that a noble lord, the lord-lieutenant of the west riding of the county of York—whom he regarded with much respect, he had almost said personal regard—he regretted that the noble lord was not present, for he was told that he had stated it to be a fact that sedition was taught in schools. He wished to ask the noble lord, whether, having been recently in the country, he had got any further instance on the spot. If the practice existed at all, instances of its existence might have been easily found. He had been long of opinion, that religion, though inculcated in youth, could have very little authority with adults if supported only by the force of law; but he knew no common punishment sufficient for those who imbued the young mind with irreligious principles. On those subjects, then, stated by the hon. gentleman, he was a total infidel. He did not believe in the facts. While he had the deepest regard for religion, he had too much regard for civil and religious liberty to sacrifice it without conviction of necessity. He would not do it on suspicion, because suspicion ought to have no weight or authority without the support of facts. He hoped he should be excused for saying a few words here upon the kind of defence set up on his trial by Mr. Carlile—a de-

fence in which proceedings in that House were alluded to, and his name, as the mover of a bill on which Mr. Carlile rested his defence, had been mentioned. He knew nothing of Mr. Carlile, and almost of the whole of his defence he was ignorant. But if he had rested his defence on the bill which he had the honour and very great satisfaction to carry through that House, no defence was ever more void of foundation. He had had a conversation with the most respectable and venerable person who was at the head of the church of England, and to whom he could appeal if he were in that House, before the bill was proposed, and they had agreed that the common law respecting blasphemy was not affected by it. He would not now touch on the law of blasphemy, nor would he enter into the question whether blasphemy might not better be left to its own fate. He was sure of the concurrence of an hon. and learned gentleman on the other side, in the opinion that Christianity needed not the support of the civil power. He was perfectly satisfied that it would occasion no danger to our religion if every statute for its defence were done away, or had never existed in this country. If the laws against blasphemy had existed, or had been put into effectual execution at former periods, the christian religion never could have existed as it now did in this country—because the principle of those laws must go to this extent—that every government should have the power of protecting the religion which is established; and, if so, it must have been effectual against the reformers in behalf of the Catholics. This was his creed, and he should never hesitate to avow it. With respect to the question before the House, and particularly the new punishment of banishment, he begged leave to say, that he had never been more surprised than at the arguments used last night. When they considered the changes of time—when they viewed the great and extensive operations of that great innovator—when they reflected, that, as had been last night said, the great excellence of our constitution was, that like the skin of the human body, it enlarged itself, and grew in exact correspondence with the growth of the institutions which it embraced—when they observed these things, must they not think it very extraordinary, that not only the precedents of our Saxon ancestors were referred to in support of any legislative proceeding but those of the Tudors and Stuarts? He should have thought that the very circumstance of such measures having been resorted to then, would be sufficient reason for their condemnation now. If, however, any thing could surprise him more than another, it was another argument used last night. Although this was in fact a continuation of last night's debate, yet it being irregular to refer to a former debate, he would only mention the argument. The extent of education in this country had been regarded as ground of reprobation and censure rather than of applause. This was going very far back indeed. Upon the same grounds, the invention of printing ought to be condemned altogether, and reprobated as the bane of society, and John Faustus and his associates ought to have been consigned to the dungeons of the inquisition, instead of being regarded as the greatest benefactors of mankind. Knowledge was valuable, not as the exclusive privilege of a few, but as a means of happiness which extended its benefits to all classes, and enabled the lowest to raise themselves in the scale of existence. But he did not mean to go into that discussion; he had risen only to say, that the hon. member's statements were without foundation in fact.

Mr. *Money* explained. He had expressly referred to the papers on the table as containing proofs of his assertion. The magistrates of Chester had said that the facts could be verified on oath.

Mr. *W. Smith* explained. He was aware of that; but he repeated that the assertions in those papers were too vague to be trusted.

Mr. *J. P. Grant* could not avoid expressing his surprise at the very extraordinary conduct pursued by his majesty's ministers, relative to the progress of all the measures they had proposed since the meeting of parliament. He could see no reason to justify the precipitancy with which they were hurrying bills through the House, which went to shake the foundation of English liberty. He hoped, however, the manner in which they were passed, would have its due impression with the country, and that such members as were not devoted to the Treasury, would pause before they sanctioned proceedings of the most indecent and unnecessary description. In proposing a bill which went, be-

yond all precedent, against the liberty of the subject, ministers did not think it worth their while either to state why it should pass, or why the modification which it was understood to be their wish to make in it hereafter, should be made. His opposition would, he feared, be ineffectual, but he should consider himself guilty of a gross breach of his public duty, did he suffer the bill to be read a second time, without being afforded sufficient time to look at its provisions.

Mr. *Tierney* said, that in opposing the haste with which the present measure was attempted to be forced through the House, he was only actuated by a sincere desire to perform a great public duty. He was sure the noble lord would do him the justice to say, that during the whole course of these proceedings, he had not endeavoured to retard their progress by a factious or vexatious opposition. The present bill, however, which was most novel in its provisions, was not brought forward as the other measures had been; and he conceived he was not asking too much, when he called on ministers not to press it before the Christmas recess, but to pause until they met again after the holidays. The noble lord, it seemed, was not disposed to accede to that proposition. Since that was the case, he would make his appeal to other gentlemen in the House, who, though they might approve of the measure, were not quite so eager to have it immediately disposed of. They perhaps, would agree to his proposition, which he declared, in all sincerity of heart, was not intended to impede the course of proceedings which government recommended for adoption, but was meant to afford a proper opportunity for due deliberation on one of the most important subjects that was ever brought before the legislature. Many gentlemen were, he knew, willing to give a certain degree of confidence to ministers; but he believed no member of any administration, before the present period, ever thought of introducing a bill from the other House of Parliament, containing the most important enactments, without feeling the propriety of opening, distinctly, his view of the subject, and stating the necessity in which the measure originated. He was quite sure, that, in another place to which a bill passed in that House had been sent, some of his majesty's ministers deemed it their duty to state the grounds on which the measure had been introduced, and agreed to. They did not think it was sufficient to say that the bill ought to be passed, merely because it came from the other House of parliament. Such a proceeding was unprecedented. It was the more necessary also, that explanation should be given in this case, because the bill as sent down here from the other House had been altered. All the noble lord had said on this point was, that transportation was too severe a penalty, and that banishment should be substituted; but he offered no reason to show that transportation was too severe, or that banishment should be preferred. Now, however, at this late period of the year, without stating any argument in support of its necessity, the noble lord called on them to recognize a principle, not only hostile to the liberties of the country, but totally new in its legislation; for whatever might have been the practice with respect to individuals, there was never before a case where a whole class of offences was, without discrimination, subjected to this species of punishment. In dividing on this question, his object was, to see whether a certain fair period of time could not be procured for properly considering this measure. With this view, he felt it to be an imperative duty to proceed to a division. Knowing that he was not acting from any wish to create an unnecessary delay, he implored gentlemen to support the motion of his noble friend, and not to carry a measure of this kind without consideration, because it came from the Treasury-bench. He hoped the House would pause before they hurried this measure forward at this time; since hurried it must be, if it were agreed to before the recess. There was no circumstance which pressed for an immediate decision: there was no reason adduced for not postponing its consideration to the period proposed by his noble friend. He did not wish to trouble the House farther; he did not want to protract the debate; but he should not discharge the duty he owed to the House and the country, if he did not use his best efforts to procure an opportunity for a solemn pause, in order that this measure should be thoroughly considered and properly understood.

Lord *Castlereagh* appealed to the House, whether, in former discussions, a full opening had not been made, with respect to the nature and tendency of all the measures which had recently been brought before them; and amongst them,

of that which was now immediately under consideration. If the present measure were as complicated in its details as the bill for preventing seditious assemblies was described to be, considerable inconvenience might have arisen had it been introduced without a regular opening. It was very unfortunate that ministers could not, by any line of conduct, please the gentlemen opposite. To-night they were not satisfied, because no opening speech had been delivered; although the nature of the measure rendered such a speech unnecessary. But, on a former occasion, when he stated that his hon. and learned friend would introduce the seditious meetings bill by a speech explanatory of its nature, that course was also deprecated by the gentlemen opposite, as an objectional proceeding. His hon. and learned friend, in moving the second reading of that bill, fully described its enactments, which were rather complicated; but the present bill required no such introduction, since it was by no means extensive in its detail. It was undoubtedly a bill of great importance, but still it was altogether a bill of principle, and he conceived that when he originally introduced the whole of the proposed measures to the House, he had sufficiently opened the principle on which this bill rested. The right hon. gentleman said, that this was not the same bill as that which was sent down from the Lords. He (lord Castlereagh) asserted that it was precisely the same bill, but he thought it would bring the House more fairly to the question, when he reminded them that he had apprised them on a former night that he would in the committee propose to commute transportation for banishment. Having on the occasion to which he had already alluded, so fully stated the scope and principle of the bill which was intended to be brought into the other House of Parliament, and observing that it was called for by the notoriety of the situation in which the country was placed, it did appear to him now a very extraordinary circumstance, that gentlemen should declare their ignorance of the nature of the measure. He really did expect that, according to the common course of business in that House, some of the gentlemen opposite would have stated what their objections against the bill were. The speech of the noble lord however (whom he always heard with pleasure), was directed against all the measures of government rather than against this particular measure. He had censured all that ministers had done, and all that they had proposed to do. The hon. member for Norwich had expressed his sentiments on a bill which had passed a few years ago, had adverted to Mr. Carlile's trial, and indeed had touched on almost every subject, except that which was immediately before the House. When the debate took this sort of course, he felt with his hon. friends near him, that if he got up for the purpose of addressing the chair, he must either enter into those explanations of the bill which he had previously given, or digress into subjects not at all relevant to that before the House. When he saw such a phalanx of talent before him—when he knew the expectation which was naturally excited with respect to the debate of this evening, he was led to suppose, that some of those hon. gentlemen would endeavour to expose the inutility and impolicy of the bill; and he could assure them, that if any of them made a display of that kind, it would not go without an answer. But he could not see why he and his hon. friends should be called upon to combat air, or to fight where there was no appearance of an enemy. Now, when this night was fixed for the consideration of this bill, as he understood with the consent of all parties, it was certainly not fair to call on the House to stay in the middle of its proceedings until after the holidays. He asserted, looking to the situation of the country, that the House would not show a proper sensibility for the suppression of that horrible system which prevailed, if, having passed bills of less importance, they showed an unwillingness to accede to this. The right hon. gentleman might reproach ministers for having shown a comparative coldness to the true interests of the country, if after they had carried measures for regulating public meetings, and for other points of considerable importance at the present moment, they had refrained from checking that evil by which the morals of the people and the peace of the country were more likely to be shaken than by any other cause whatsoever. He stated originally, that he looked on the measures which were connected with the press, and which were intended to support the character and morals of the country, as of infinitely more importance to the safety of the state than any others that could be devised or imagined. If parliament separated with-

out performing this great, sacred, and solemn duty to the country; if they separated without averting the monstrous danger which threatened the empire; if they separated without dispelling the disgrace which hung over their heads, by permitting blasphemous publications to be disseminated without restraint, they would ill discharge the duty which had devolved upon them. He decidedly protested against the doctrine, that ministers were bound to get up in that House, and make speeches, when no objections were offered against their measures. If he had not originally opened this subject with sufficient fulness, he certainly might now be called on for information; but as that charge could not be made against him, it lay on the other side of the House to state their objections; and when they did so, he felt confident that they would be refuted.

Sir *James Mackintosh* said, he had entered the House with expectations of a very reasonable kind—expectations which, reasonable as they were, he was sorry to perceive were likely to be disappointed. He had entered the House with the expectation that those who proposed an innovation in the criminal law of the country—an innovation affecting the most important of all the constitutional rights of Englishmen—a law against the freedom of the British press—would show some reason for such a proceeding, before they called upon the House to entertain the proposition; but the noble lord reversed the usual course of business, and argued, that gentlemen on that (the Opposition) side of the House should state their objections to the measure. To state their objections to the measure! To offer arguments against that in support of which no argument had been offered! In his opinion, every individual who agreed to this proposition without full explanation from those by whom it was introduced, would make himself a party to an outrage against the constitution—would become a party to a precedent of the most scandalous and reprehensible nature. Surely it could not be argued, that because the bill came from another place, it was therefore to be adopted here, on a simple proposition to that effect. It was a measure of the highest possible importance, and before the second reading was moved, its nature should have been fully described to the House. He hoped the circumstances would be recollected by the House and the country, under which it was brought forward by the noble lord. He hoped the introduction in such a manner of a new penalty for an undefined offence would not be forgotten. He hoped it would be remembered, that it was in the noble lord's administration that such an innovation, on such a subject, was avowedly tolerated. Let the House bear in mind that not one syllable of reason had been adduced for this innovation. When the bill came from the House of Lords, it was read the first time without opposition, in conformity with the usual courtesy which prevailed in such cases. It passed the first reading without discussion or observation, because no man, he thought, in his senses, could have supposed that the noble lord had forgotten all the maxims of sound argument and just reasoning, and adopted the opinion, that the burthen of proof rested with those who opposed the measure. He (sir J. Mackintosh) always understood that such proof rested with the proposers of a law, and not with those who were called upon to consider it. The noble lord had told them, that in the case of the seditious meetings bill, he had found it necessary to make a separate statement. Was it, he asked, on account of the comparative importance of the bill, that he was obliged to do so? The noble lord would perhaps answer, that its intricacy in point of detail rendered such a proceeding necessary. The present bill, the noble lord might perhaps observe, only authorized new principles, new precedents, and new laws, in their penal legislation respecting the liberty of the press, and was therefore of so frivolous a nature as to render statement or explanation quite unnecessary! There was no shadow of ground for the distinction which the noble lord was solicitous to establish. The introduction of a new principle and a new law on general grounds, such as those alluded to by the noble lord, required that those grounds should be stated, as well as the facts which called for the introduction of a measure of complicated details. What did the noble lord state in his opening speech on a former occasion? He had listened to the noble lord with the deepest but most painful attention, and having done so, he would maintain that the noble lord had stated no ground whatever for this measure. The noble lord had stated indeed, that blasphemous libels had increased, and he had argued the necessity of putting them down by a severe penalty.

But did the noble lord prove that necessity? Did he show that the inadequacy of the punishment awarded by the law as it at present stood, was the cause of this increase of blasphemous libels? Was it stated by any gentleman in the House that this was the case? It was not: no individual could make such a statement. He believed such a position to be absolutely untenable. Many things ought to be proved before the House agreed to such a measure. Ere they could wisely or honestly adopt it, the existence of the evil must be shown—the inadequacy of the existing law to meet it—the efficacy of the remedy, and its likelihood not to produce a greater evil than that which it was intended to remove. Not one of them was made out by the noble lord, and indeed it was impossible that they could be in a few cursory paragraphs of the noble lord's speech—a speech in which the noble lord, certainly with great ability had taken a review of the whole state of the country. It was impossible that the noble lord could, in part of that description, pay such attention to a question of this extent and importance as it manifestly demanded. What the noble lord had now said was quite beside the question. It was not a question whether a bill for putting down blasphemous libels was, or was not, of more importance than the others, which had been passed to meet particular offences. The other measures were introduced to check what was termed an urgent existing evil. If they were to be adopted at all (and he did not think they were called for) they must be adopted immediately; but that which was a measure of a preventive nature did not demand the same degree of hurry. It was of much more importance than the immediate passing of this bill, that the House should keep up to the accustomed forms of legislature—to those decencies and decorums which ought to attend the enactment of any penal law; and much more so, when new penalties were about to be directed against the liberty of the press. They ought not to lose sight of that gravity and calm deliberation which sholud be witnessed in every deliberative assembly, when new and heretofore unknown penalties were introduced for their adoption. He therefore, most unquestionably, would not enter into the discussion of this measure on the present occasion. He would consider himself highly blameable if he did; as that would be to assume that the measure bore on its face its recommendation to the House. Time for due consideration ought to be allowed, and to obtain the necessary delay, he would vote for the motion of his noble friend who had proposed an adjournment of the question.

The *Attorney General* observed, that the remarks on the course of proceeding adopted by his majesty's ministers, which had fallen from gentlemen on the other side, were well deserving of notice. They appeared to him to have arisen from a misunderstanding of what had formerly taken place. His noble friend had, on a former occasion, distinctly stated the nature of the alterations intended to be proposed in the committee, and therefore he thought the imputation of his hon. and learned friend, was without foundation. Still less founded was the assertion which his hon. and learned friend had made, that his noble friend, or any other of his majesty's ministers, or indeed any gentleman on that (the ministerial) side of the House, had treated the present as a frivolous measure. Measures connected with the state of the press had been insisted on by his majesty's ministers, as those of the utmost importance, and therefore deserving the most serious consideration of the House before they became the law of the land. When he recollected the manner in which the noble lord opened the present debate, and the speeches which were delivered by gentlemen on the other side of the House, they appeared to him directed to any thing rather than the matter immediately under discussion. They had again restated to the House the question at Manchester, and a sweeping condemnation of all those measures produced by it. Some allusions had been made to himself in the course of the debate, intending to provoke him to address the House, which he was always unwilling to do, unless his duty rendered it absolutely necessary. He rose last night to answer certain remarks which were then thrown out, but was on that occasion prevented from stating his opinion. The law, they were told, as it at present stood, was sufficient for the punishment of libel; and observations were made relative to the conduct of an hon. and learned friend of his, to whom he had unworthily succeeded. He begged to state to the House the circumstances in which his hon. and learned friend was placed, particularly in the year 1818, when no prosecutions were commenced. The observations which came from the other side of the House on this

subject were most extraordinary, and astonished him not a little. It was the first time, he believed, that gentlemen opposite had reproached the law officers of the Crown for not exercising their powers. Let the House consider the situation in which the law officers of the Crown were placed. If they wished to prosecute with effect, and at the proper time, motions were brought forward in parliament, charging them with having prosecuted too much. An hon. and learned predecessor of his, in the years 1810 and 1811, had selected a number of cases of libel, which he prosecuted with effect. A motion was in consequence made on the subject in parliament, and observations similar to those which he had since heard were not only directed against that individual, but the policy of prosecuting at all was strongly questioned. In 1817, when libels were disseminated through the country, attempts were made to put them down, not by the *ex officio* informations of the attorney-general, but by instituting prosecutions in inferior courts. Then a motion was made in parliament questioning the legality of the opinion of the law officers of the Crown, who maintained the right of those inferior courts to exercise a jurisdiction in cases of libel. Was it likely, after this, that magistrates would interfere to repress libels in their different districts, when a doubt was thus thrown on their authority? Prosecutions were afterwards instituted in the metropolis, and acquittal followed acquittal. Two remarkable cases of this kind occurred (those of Mr. Wooler). In one of them a verdict of acquittal was recorded; in the other the defendant was found guilty, but the verdict was set aside in consequence of an informality, all the jurymen not having been in court when the verdict was returned. He was ready to meet the hon. gentlemen opposite with respect to the trial and acquittal of Mr. Hone. What was the nature of the libels in that case—for he must so call them, as they had been so decided since the acquittal of that individual? In mentioning these circumstances, he by no means intended to impeach the verdict of the jury by which Mr. Hone was tried. It was said, as the ground of Mr. Hone's defence, that the primary object of those libels was, not to bring into contempt any part of the Litany, but to libel and scandalize certain persons named in them. He never heard those publications defended, but many attempts had been made to justify the verdicts. Gentlemen on both sides of the House allowed that the parodies were improper. He would ask, why they were so considered? The reason evidently was, because gentlemen must have felt, that whatever the intention of the defendant was, the necessary effect of those publications must be, to bring into contempt those parts of the Litany which were parodied. Whatever was the intention of Mr. Hone, if such an effect were produced, he (Mr. Hone) was answerable for it. But no sooner came the first day of the sessions, though no amendment was moved to the Address, although it was concurred in by gentlemen opposite, still they one and all rose to state their opinion, that it was a cruel persecution of this individual, and that the attorney-general had exercised a most unwise discretion. They, however, admitted the impropriety of those publications. He was told at that time, that to prosecute them was a most dangerous system, because it tended to disseminate the poison more widely [Hear, hear, hear!]. One hon. gentleman had said to-night, that the Christian religion did not want the aid of the civil power for its support, as he (the attorney-general) had stated on the trial of Carlile. He admitted that it did not demand the aid of the civil power for the promulgation of its doctrines or the preservation of its tenets; but when publications were sent forth, such as those disseminated by Carlile, was it not necessary, for the protection of the lower orders, that those prosecutions should be carried on? Was not the prosecution of such an offender likely to repress the offence? But gentlemen on the other side of the House wished the law officers of the Crown to be tender of prosecuting libels; and it had even been declared, that the more foul the libel, the more dangerous the prosecution, because it gave a greater publicity, and sometimes excited commiseration for the party prosecuted. The case of Mr. Hone was quoted in support of this statement, and allusion was made to the lavish subscription which had been procured for the relief of that individual throughout the country. He did not mean to impute improper motives to any one; he would hazard the censure of the hon. member for Shrewsbury by declaring, that whatever might have been the motives of those who thus subscribed, the effect of their conduct was most prejudicial. What must be the effect on the country, where a man, who hap-

pened to be acquitted for publishing pamphlets considered on all hands improper, confessedly of a mischievous nature, was immediately held up as a persecuted individual, and therefore worthy of public support. At the time to which he alluded, a prosecution was considered beneficial. He might almost say, that premiums were offered for prosecutions. His hon. and learned predecessor had actually received letters from individuals, calling on him to prosecute them. There were not only acquittals, but the persons acquitted were held up as martyrs. These circumstances were not very encouraging to those whose duty it was to prosecute; for the House would perceive that the right of the attorney-general to prosecute should be maturely considered before he proceeded. No prosecution ought to be instituted by him, unless he meant to carry it on with effect, and where he was not conscious in his own mind of the probability of a successful issue. The House would also agree with him, that there was, and perhaps there ought to be, a prejudice in the minds of jurymen, and of the public, against Crown prosecutions. An attorney-general would, under these circumstances, do wrong to launch into prosecutions for libel, without considering the nature of the libel, the temper of the times, and temper of the jury. There had been five acquittals within the walls of the courts of justice, as well as a subscription out of doors for persons who had been prosecuted for libel. Feeling, therefore, as an attorney-general must do, that he was likely to be called to an account in that House for the exercise of his power, his hon. and learned friend was completely justified in not proceeding without very great deliberation. Early in 1819, prosecutions were commenced against Carlile, not only for blasphemous publications, but for a seditious libel having the tendency to encourage people to act upon the principle of assassination. His hon. and learned predecessor having instituted those prosecutions, and finding also that others were instituted by a society in this town, who made it their business to look after offences of this kind, had a right to pause before he filed other informations, until the result of the pending prosecutions was known. He did not in consequence file any more informations, lest he might be accused of harassing individuals unnecessarily. It was impossible, from the press of business in the court of King's-bench, to bring on the trial until the month of October last, at which time his hon. and learned friend had retired from office. This delay was by no means unprecedented. In 1795, when a noble and learned lord (then Mr. Erskine) prosecuted Williams for publishing "The Age of Reason," he declined bringing the case to trial until a full special jury attended. He (the attorney-general), however, was determined to proceed, whether the number of special jurors who attended was great or small. The result was, that Carlile was convicted, and he had no doubt that that conviction had produced a useful effect. On his entrance into office, such was the number of libels which inundated the country, and the cheapness of the forms in which they were published, that, painful as the duty was, he had felt it necessary to prosecute, not only by *ex officio* informations, but also by another way, in the inferior courts; but if indictment were multiplied on indictment, if information were heaped upon information, it would have been impossible to meet all the cases of libel. They might as well think of instituting actions against all the persons who attended at the meeting at Manchester, or any other illegal meeting, if an hon. and learned friend of his would allow him so to call it. His hon. and learned friend had said, that this was only a preventive measure. Could he say that the placing an additional punishment on a particular offence known to exist, was mere matter of prevention? One object of the bill, he apprehended, was this—by affixing an accumulated punishment on an offender who had committed a second offence, at once to visit him for his past conduct, and to prevent a recurrence of it in future. What could be a greater offence against a society, constituted like our's, than an attempt, first, to overthrow the religion; and next, to subvert the government? By this bill, an endeavour was made to prevent the mischief, before it went to any great extent. It first enabled the Court before whom the party was tried, to seize the libellous publication, whether in his own hands or those of any other person. His hon. and learned friend had said, that no proof was given of the existence of mischief; but was it not clear in the case of Carlile, who, up to the very eve of his judgment, had continued to sell those blasphemous publications for which he was punished? This instance was ground enough for the enactment subjecting the libels, after convic-

tion, to be seized by the order of the Court; and it was provided, that if a new trial should be granted, the property should be restored, society being protected in the mean time against the diffusion of the evil. Could any thing be more pernicious to society than the publication of those seditious and blasphemous libels with which the country had been deluged? It was said that this bill enacted a new punishment. That was not the case. In 1796 a bill was passed, by which the party convicted of the offences therein mentioned was subjected to banishment. Banishment was not so severe a punishment as transportation, because it enabled the the person on whom it was inflicted to select his own place of retreat, and saved him from being forcibly detained among felons. He trusted he had shown that an evil did exist, against which the House were called upon to furnish a preventive. This being the case, he apprehended that the provisions of this bill would have a tendency to repress that evil. It would operate to prevent a second offence, because when persons had committed a first, they would be more careful not to offend again. Whatever objections might be made to the details in the committee, he thought the public would not be satisfied unless that House should consent to pass this bill. His majesty's ministers did not wish to break in upon fair discussion, but it was necessary to provide a security against blasphemy and sedition; and, in framing this measure, it had been considered, that prevention was better than punishment.

Sir *James Mackintosh* rose to explain. He said he had been misunderstood. He intended to distinguish, and he thought he had distinguished prevention by previous restraint from prevention by punishment and example. His hon. and learned friend, had told them, that banishment was not a new punishment. He (sir J. Mackintosh) had merely stated, that it was a punishment not now existing as applicable to offences of the press.

Lord *Althorp* said, that as allusion had been made to him, he thought it necessary to rise in order that he might state to the House the grounds on which he had objected to the prosecution of Mr. Hone. His objections to that prosecution arose from the circumstance of the hon. and learned gentleman who then held the office of attorney-general, having appealed from one jury to another, with the view of obtaining a conviction for a libel of the same nature. This perseverance accorded but little with the relaxation which followed it concerning cases of a much less equivocal nature. The objections which he and his hon. friends entertained against the present measure were, that it was wrong to bring in a new penal law, when the existing laws had not been previously tried. The hon. and learned gentleman had said, that prevention was better than punishment; but he (lord Althorp) contended, that the noble lord opposite and his colleagues had no right to impose fresh restrictions on the press at the present moment; when the sufficiency of the existing restrictions had not been ascertained.

The Attorney General, in explanation, defended the conduct of his hon. and learned predecessor in not pressing any more prosecutions immediately after the acquittals which had been alluded to.

The Marquis of *Tavistock* said, that the hon. and learned gentleman had that night, although in a tone very different from that of his hon. and learned colleague on a former evening, brought forward a charge against those who contributed to the relief of Mr. Hone. He had hoped, that after what had passed in that House from time to time, respecting the prosecution of that individual, it would not have been necessary for him to say one word upon the subject. He had thought it had been clearly understood, that whatever might be the opinion with respect to the conduct of government in that prosecution, there could be but one feeling of disgust with respect to the parodies in question. One of the hon. and learned gentlemen opposite had thought proper on a former occasion to say that it was owing to those who expressed their disapprobation of the prosecution of Mr. Hone, and who had contributed to the subscription for that individual, that blasphemy and sedition had since gone unpunished. He (the marquis of Tavistock) must request the indulgence of the House, while he stated shortly what the motives of his conduct had been. Having seen others not only not prosecuted, but loaded with honours and pensions, after having published parodies of a similar nature, only that they were in favour of the government; and having seen in the case of Mr. Hone, that if the parodies had not been against his majesty's government, we should not probably have

ever heard of them; having seen contrary to the spirit of our laws three prosecutions carried on by the attorney-general for the same offence; although Mr. Hone, after the acquittal on the first of them, had given a promise—a promise which he had since kept—that he would not republish the parodies, he (the marquis of Tavistock) thought it proper to mark his sense of the conduct of those proceedings, and he had no hesitation to add his admiration of the abilities of Mr. Hone in conducting his defence against all the power and talents which had been arrayed against him. As to the attempt to implicate him (the marquis of Tavistock) and those who had pursued the same course, in the charge of approving and extending the progress of blasphemy, it was too absurd to be maintained for a moment; although he confessed he felt some surprise at the course of argument which had been pursued by the hon. and learned gentleman as he had some recollection of the time when the hon. and learned gentleman was accustomed to treat similar topics in a very different tone. However objectionable the mode of political discussion by parody on the sacred writings unquestionably was, Mr. Hone could plead abundant precedents for it. He would appeal to a right hon. gentleman opposite, whether he had not in his former, perhaps he might call them his less prudent days, indulged in such a mode of expressing his feelings; and whether at the time he did so, he was not, nevertheless, capable of entertaining a just abhorrence of blasphemy and sedition.

The *Solicitor General* observed, that he was so pointedly called upon by the speech of the noble lord and by that of the hon. member for Shrewsbury last night that he did not think he should discharge his duty to himself if he did not rise to offer an explanation of the language imputed to him. Three weeks had elapsed since he had made use of the expressions alluded to. They had occurred at the commencement of the debate on the present bills, and yet, strange to say, though the hon. member for Shrewsbury was present at the time (whether the noble lord was or was not he could not say), he had not ventured to bring forward the charge when what he (the solicitor general) had said was fresh in the recollection of the House, but had postponed doing so until an interval of three weeks had elapsed. He would dare any hon. member in the House, who was listening to him at the time to say, that there was the slightest ground for the charge. He never had said that the conduct of the gentlemen opposite, in Mr. Hone's case had given rise to all the sedition and blasphemy which had since flowed in upon the country. He never in his life had given a more guarded opinion than on the occasion in question, and he would defy any one to say that his expressions were not that, without censuring the motives of the persons who entered into a subscription for Mr. Hone, he was confident that such conduct had had the effect of holding out a hope of impunity to blasphemous and seditious libellers. That was his sentiment on that occasion, and he now deliberately repeated the same. He would ask the noble lord on what grounds did he bring charges against him (the Solicitor-general) for his former conduct? He would ask the hon. member for Shrewsbury on what ground did he charge him with inconsistency? He had never before the time of his entrance into that House belonged to any political society, or was in any way connected with politics, and even if he had intended to connect himself with any party, he confessed that during his short parliamentary experience he had seen nothing in the views, the policy or the conduct of the gentlemen opposite, to induce him, as a true friend of the constitution to join them. On a former night he stated what he stated now, and what could not be contradicted, that on the three trials of Mr. Hone, a judge, of whose talents and knowledge of English law he had the highest opinion, and who was distinguished for his independence of character, declared the publications to be profane libels; that the present chief justice of the King's-bench, who filled that situation with so much honour, declared that the publication produced on the trial at which he presided was a profane and impious libel; that another person was tried and found guilty for the publication of one of those libels; that another person suffered judgment to go by default for publishing one of those parodies, and that the court in passing sentence described it to be a profane and impious libel. With all these circumstances before his eyes, and relying upon the knowledge of the laws of this country possessed by the respectable individuals beforementioned, was it, he would ask, too much for him to say, that notwithstanding the verdict of the jury, he

considered the publications profane and impious libels? When the question was afterwards brought before that House by a noble lord, and seconded by an hon. and learned individual now no more, for whose great talents he had always entertained the highest respect, and of whom no person could speak in any terms of approbation to which he would not subscribe, that hon. and learned individual then said that he did not mean to state that the publications themselves were undeserving of censure, but that the conduct of the attorney-general in the conduct of the prosecution was highly improper. In a month afterwards the hon. member for Norwich again brought the question before the House, and admitted that the publications were censurable, although he contended that they were not deserving of a criminal prosecution. This therefore went forth to the world, that though the judges of the land had declared these publications to be profane, and though the gentlemen in that House always arrayed in opposition to the ministers of the Crown, had allowed the publications to be censurable, yet they ought not to be visited by a prosecution. He would ask any man what effect could such a declaration have on the people, other than that extreme effect of encouragement to seditious libels? But that was not all. There was in a short time afterwards a meeting held for the avowed purpose of entering into a subscription for the man who was before pronounced by the judges of the land, as the publisher of profane and impious libels; at which meeting a worthy alderman member for the city of London, presided; and at which meeting an hon. baronet member for Westminster, was present; and at that meeting was Mr. Wooler allowed to make an inflammatory attack on the judge who presided at Mr. Hone's trial; whom he described as one who had in the course of the trial acted the part rather of a vindictive prosecutor than of an impartial judge of the land, and yet no dissent to such sentiments was offered at that meeting. On the contrary they were received with great approbation, and a subscription for the relief of Mr. Hone was immediately opened. When speaking of the influence which the conduct of gentlemen of the first rank and patriotism, who subscribed on that occasion, had on the people was it too much to say, that it was impossible under such circumstances to expect a verdict of guilty against persons prosecuted for a similar offence? He had nothing to answer to the arguments on the principle of the bill, because he thought they had been completely answered by his hon. and learned friend. He should now sit down, having supported the opinion which he had given on a former night, and having rebutted the unfounded charges which had been made against him in the course of the debate.

Mr. *Scarlett* allowed that he never had heard that his hon. and learned friend was a member of any political society, or that he was connected with any political body. All that could be said was, perhaps, that his hon. and learned friend now entertained opinions different from those he had formerly expressed, respecting his present associates; but there was nothing wonderful in this; it was natural that we should like people better the more we became acquainted with them. The very apprehension of being thought inconsistent would excuse some warmth—a warmth which seemed to verify the old proverb, "That proselytes were generally enthusiasts." That it was not intended to discuss this bill was manifest, for the gentlemen on the other side had not advanced any argument in support of it; he had heard no indication of their sentiments, except a scoff or a laugh, which was not an argument. With respect to the particular question, whether or not there had been a due activity in the prosecution of libels, he must say that he did not *think* the reasons urged by the other *side in defence* of their declining to prosecute were of sufficient weight. He meant to say nothing unkind of individuals, for whom he felt great respect, and of the purity of whose motives there could be no question, but it was his duty to state his opinion freely. When he spoke of individuals in public stations, he must be understood as speaking of nothing but errors in judgment, of a relaxation in some cases, and too severe activity in others. He would take up the conduct of the law officers of the Crown since the year 1811, and he would say he was one of those who thought that the activity exercised at that period called for animadversion. Every body knew, that in prosecuting for libel, persons might sometimes be convicted who were not in any way chargeable with moral guilt. He had been present on one occasion at the time to which he had just alluded, when twenty people were

brought up for judgment, every one of whom was as little involved in any participation of the moral guilt of the offence of which they were convicted, as any hon. member of that House. Among them were several women who lived in distant parts of the country, and whose only connexion with the offence was, that having annuities on newspapers, their names as required by act of parliament, were lodged at the Stamp Office as joint proprietors of those papers. They all received sentence, not indeed a very severe one (they were fined 20*l.* a-piece); but still the prosecution of such persons argued an activity on the part of those who prosecuted them, which excited strong sensations, and not of approbation, in Westminster Hall. The next Attorney-general seemed to act on the principle that frequent prosecutions for libel did more harm than good, and he believed that in the course of four years there was but one prosecution, and that for a libel on one of the royal family. Then came, under a subsequent Attorney-general the prosecutions against Wooler. One of them was for a libel not of a very offensive nature, but one or two passages struck him as likely to produce a verdict. When the Attorney-general had opened his case, Mr. Wooler made a defence which exhibited a very extraordinary degree of talent: and, feeling all the respect that he did for the Attorney-general, he must say that he thought Mr. Wooler had greatly the advantage over him.' The conviction of Mr. Wooler might be attributed rather to the mode of his defence, and the topics touched on by him, than to any arguments used by the Attorney-general. As an example of the mode of defence adopted by Mr. Wooler, he (Mr. Scarlett) would state, that Mr. Wooler, in his defence, said that the Bill of Rights was a bill of wrongs and insults; and avowed himself the follower of Paine's political doctrines. In fact, his own speech did more to overturn his own arguments than the speech of the Attorney-general. In the second case, the libel was a mere piece of pleasantry against some members of the administration, and Mr. Wooler conducted his defence in the same tone of pleasantry, observing that after the former prosecution, which he called a tragedy, this was a farce. The jury acquitted him, and he (Mr. Scarlett) thought they did right. For his own part, and he must be supposed to have some experience on the subject, he believed there could not be a more fair, honourable, and intelligent tribunal in the world than a London jury. Then came the case of Mr. Hone; who was indicted for three libels; one a parody on the Litany, another a parody on the Catechism, and the third a parody on the Athanasian Creed. When Mr. Hone was brought up, the information was read at great length, and every count but the last charged him with an intent to revile the Liturgy. He (Mr. Scarlett) thought at the time that Mr. Hone would be acquitted; and he said so to a learned gentlemen who now filled with the greatest credit to himself the situation of a judge in the court of King's Bench—he meant Mr. Justice Richardson, who was then one of the counsel for the prosecution. His reason for so thinking, and he then stated it, was, that so many distinguished persons, bishops, deans, and ministers of state, in all times and ages, had published parodies, and he did not believe that twelve men could be found in the metropolis, who could, on their oaths, conscientiously find a man guilty of blasphemy, for doing what had so frequently and by such persons been done before him. As he had foretold, Mr. Hone was acquitted. The second prosecution was for a parody on the Catechism; this was something worse; but Mr. Hone had produced in his defence, a parody called "The Freeholder's Catechism," written by Dr. Arbuthnot, in the reign of queen Anne, but which by mistake he had attributed to Mr. Wilkes. It was in fact written by Dr. Arbuthnot, in favour of the government of that day, and was thought to be a very useful composition. Mr. Hone, was again acquitted. As to the third parody, on the Athanasian Creed, he (Mr. Scarlett) had no sooner read the record, than he asserted that he had no doubt of an acquittal. Indeed, a parody did not necessarily infer an intention to revile the thing parodied. How many parodies, for instance, had been published on Pope's Letter of Eloisa to Abelard? It was well known that Mr. Porson was very fond of a parody on that poem; but who would impute to him or to the poem any wish to revile the poetical character of Mr. Pope? He was one of those who thought that these compositions ought not to be applauded. He did not think the present an irreligious age; if not so devout as former ages, it,

however, paid the greatest attention to the outward forms and decorums of religion; and perhaps it was for this very reason that parodies, which appeared so innocent to our forefathers, were so shocking and offensive in our eyes. But a jury to whom it was put as Mr. Hone put it, whether they could think he had a design of reviling or degrading the Christian religion, by doing that which bishops and ministers of state had done before him, or whether they thought that his object was purely political, could not in their conscience convict him of the former offence; and as to the latter, the Attorney-general, though certainly not deficient in courage, had not ventured to appeal to the jury for a political verdict. If the acquittals of Wooler and Hone were the grounds on which the opinion was founded, that juries would not convict in those other cases of atrocious libel to which reference had been made, he (Mr. Scarlett) felt assured that this was a grievous mistake. He was convinced that not one of those aggravated libels could have been brought before any jury without a certainty of a verdict of guilty. As to what had been said by his hon. and learned friend on former occasions, of the policy of prosecuting libels, he conceived that much depended on the nature of each particular case. There were many cases, no doubt, where prosecution might do harm by giving publicity to a libel not likely to be otherwise circulated; but where a libel, and one, too, of a malignant nature, had already circulated very considerably, especially where it had been disseminated among schools, as was alleged to be the case at present, there nobody could deny that it would be highly useful to brand the libeller with a verdict of conviction; nobody, at least, could deny that such a person was a fit object against whom an Attorney-general might call in aid the operation of the laws. He would not impute motives to his majesty's ministers; but if it was their object to put down the press by the clamour of the House of Commons, they could not proceed in a way different from their present course. The cry was—"The laws won't do; juries won't convict; give us severer laws:" whereas the fact was, that the aid of the laws had not been invoked in those cases where juries would be sure to convict. He was not one of those who thought the power of filing *ex-officio* informations ought to be taken away from Attorney-generals; on the contrary, he thought it a power which if discreetly exercised, was a great benefit to the country. Nor had any objection been made to that power by his honourable friends; their view was simply this—that as it was a power which if indiscriminately applied, would be in many cases rigorously severe, it ought not to be pressed on ordinary or inadequate occasions; but if the country were really in that alarming state described by the Attorney-general, then why not bring some of the worst cases before a jury? It was a libel on juries to say that they would not convict in such cases. Why did government sleep throughout 1818, when they might have obtained convictions of libels unquestionably blasphemous and seditious? Was it necessary that such publications should be tolerated, to afford a pretext for the introduction of coercive measures and restrictions on the liberty of the subject? He was convinced that nothing more than ordinary attention was necessary to procure conviction according to the present laws, and that ministers were not entitled to demand any additional restrictive laws until the present laws failed to bring delinquents to punishment.

Colonel *Wood*, adverting to the assertion of the hon. and learned gentleman who had just sat down, that no argument had been offered in support of this measure, observed, that no argument had been advanced against it. He would give a reason why he should most conscientiously vote for the bill. It had two objects—one to seize libels, and the other to send out of the country those who persisted in vilifying the civil and religious institutions. With respect to the parodies published by Mr. Hone, the House could not be unaware of their mischievous tendency. The impression against them would however, he believed, be still stronger, if the mode of their distribution were fully made known, for that would naturally increase the alarm which the currency of such publications was calculated to produce in every religious, considerate mind.—Where would the House suppose he first saw these parodies? It had pleased God to bless him with a large family and he actually found one of these profane and impious libels in the nursery of his children! He must, however, do justice to the young folks, who said that the jokes were very good; but very shocking. Parliament

would neglect a very material duty if it did not take measures to guard the public against the pollution of such prophane and impious productions. With that view, then, he would vote for the first part of this bill, and he would also vote for the second part, because although a sincere admirer of civil and religious liberty, he thought that those who after one conviction could not refrain from a second attempt to destroy the religion and government of their country, ought to be sent out of it.

The question being put, That the word "now" stand part of the question, the House divided: Ayes, 190; Noes, 72: Majority, 118. The bill was then read a second time.

## HOUSE OF COMMONS.

*Wednesday, December 22.*

Marriage Act.] Dr. *Phillimore* moved for leave to bring in a bill to amend the act of Geo. 2nd, called the Marriage act. The bill would be similar to that which had received the sanction of the House last session, but which had never been discussed in the Lords, in consequence of the wish of a learned lord to have time to consider the subject. In the interval, he could say, that many cases of nullity of marriage had been decided, as atrocious as any which had excited the indignation—as distressing as any which had excited the sympathy, of the House. He meant cases in which husbands had stepped forward to take advantage of their own perjury to bastardize their issue, or in which innocent persons had been affected by the severity of a law they could not guard against.—Leave was given.

Conduct of Colonel Fletcher, a Magistrate of Lancashire.] Mr. *Bennet* said, he had a petition to present from an individual, praying that the House would not entrust additional powers to magistrates, as he had suffered peculiar hardship from the exercise of that discretion with which they were now invested. The magistrate who was particularly referred to in the petition, was a colonel Fletcher, of Bolton. He should have hesitated to have received such a statement, if he had not inquired respecting the character of the petitioner, John Lever, and found that, though in a humble walk of life, he bore a good character. So early as 1812, it was proposed to the petitioner, by Samuel Fletcher, whom the petitioner considered an agent of colonel Fletcher, to become a spy. This the petitioner refused. He was told by Sam. Fletcher that it was wished to send him through York and Lancashire to Derby; and he was told, as a rule for his conduct, that he might go the length of cursing the king to set others a-going; that if he was apprehended, he need not be alarmed, as he would be liberated, though he might not know by what means. The petitioner, with more spirit than discretion, informed his acquaintance of the offer that had been made to him. In consequence of this, he conceived he had fallen under the anger of colonel Fletcher. He was some time after taken up and carried to prison, and while in confinement he was exhibited as a sort of spectacle, under the name of general Lud, as no other individual could be found to answer to that supposed character. After some time, as no allegations could be proved against him, he was dismissed. A short time after, he was taken out of his bed, and put into confinement, without knowing for what, till at last he found that he was committed to Lancaster gaol on a charge of murdering a man he never saw. As to this part of the case, he had inquired, and found in the calendar for 1812, that John Lever, the petitioner, was committed by colonel Fletcher, on the suspicion of having murdered Mr. Chadwick, of Beechhall. He was also able to state that a physician had certified, that the individual, so far from having been murdered, had died of a fever; that there had been an absurd report of his having been injured by a blow received in a scuffle, but that it had been proved on the inquest to be untrue. Yet, notwithstanding this, colonel Fletcher committed the petitioner on suspicion of murdering this individual. The petitioner stated, that to his astonishment no bill was presented to the grand jury against him. Whether this was true he had not the means of knowing, but from the books of the gaol he found the entry respecting the commitment which he had read, and underneath "a bill for misdemeanor." His belief was, that there was no bill preferred, and no one bound over to prosecute. When the petitioner was brought up, expecting to be tried for murder, he was tried for a political misdemeanor, and, as he had no means of repelling any charge, was found

guilty. The witnesses against him were two persons of notoriously bad character, who swore to what the judge was said to have pronounced the most ridiculous story. The two witnesses swore that the witness told them, that "he was for the death of the king, and that it must be sweetened with a pound of sugar." The petitioner prayed for an inquiry into his case.

Mr. *Huskisson* said, that the House could not think of entertaining and retrying a case which had been already disposed of in a court of justice. As to the other part of the complaint, if the magistrate in question had misconducted himself, he could be severely punished by the law; and if the petitioner had received injuries, the law was open to him for redress.

Mr. *B. Wilbraham* said, that the facts of the case were very different from the representation of the petitioner. In May, 1812, the petitioner had been apprehended, not by colonel Fletcher, but by another magistrate, for giving as a toast "the death of the King." While he was detained for that offence, colonel Fletcher received a letter from Mr. Graham, inclosing another from the deputy inspector of hulks at Portsmouth, with an affidavit made by John Harper, a convict, that three years before, about the time Mr. Chadwick of Beech-hall, was murdered, the deponent returning from market heard two men at a little distance from the road ill-treating another. The two men were John Lever and A. Gordon. They threatened the deponent, that if he told what they had done, they would serve him the same. He was terrified and went on his knees, and promised never to speak a word of it. He afterwards received a present of a suit of clothes from Lever. Mr. Fletcher finding that the relations also entertained suspicions, very properly committed Lever; but about the time of the trial, it was found that the relations would not prosecute, the evidence being insufficient, and merely resting on the assertion of the convict, for whom it would have been necessary to have procured a free pardon before his testimony could have been received. Yet it was not on this account to be expected that he should not be tried for the former offence, and he was accordingly brought to trial, found guilty, and sentenced to a year's imprisonment. The House must feel in its justice, that it was rather a hard case to have an accusation of this nature preferred against any gentleman, after a lapse of seven years, when the papers essential for his defence, were likely to be lost. Really the hon. gentleman's mouth seemed as open for the reception of charges of this sort, as the lion's mouth at Venice. This accusation was brought forward against a gentleman who had for 22 years performed the duties of a magistrate, to the satisfaction of every loyal man in the country. But this magistrate was one of those who acted at Manchester on the 16th of August, and hence was exposed to the hostility of a certain class of persons, who were now endeavouring by petitions to that House, and every other species of expedient, to cast reflexions upon all the magistrates concerned upon that occasion. It had been repeatedly stated, that the magistrates acted on the 16th of August under the special directions, or with the previous advice of his majesty's ministers. This statement had been positively contradicted by some of the ministers themselves—but still the charge was repeated. He had, however, now the authority of the magistrates themselves, to state to the House, that they had received no directions whatever from ministers, how to proceed on the 16th of August—that their conduct on that occasion was entirely their own, and that whatever might be thought of that conduct, the responsibility for it belonged to themselves alone. Then as they were so responsible, and as they were likely to be called upon to answer for their conduct before a legal tribunal, he submitted, whether it was fair towards these gentlemen, to have farther prejudices excited against them by such petitions as that before the House.

Mr. *Bennet* said, that the petitioner complained that, after having been confined for some time upon a charge of murder, he was tried only for a misdemeanor, of which he was convicted, mainly upon the evidence of two persons, who had been heard to threaten, that they would go to Lancaster for the purpose of "doing him." As to what the hon. member had said with respect to the lion's mouth at Venice, he should only observe, that he felt it his duty to prefer any charge which he believed to be true, against those who abused their power, for the purpose of oppressing the people. When parliament was about to invest the magistrates with new and extraordinary

powers, it was right to state the manner in which the powers already possessed were abused.

Mr. *Brougham* observed, that he recollected the trial of the petitioner in 1812, and perfectly remembered that the petitioner, who had been committed for a misdemeanor, was, before he obtained bail, detained upon a charge of murder, which detainer must have rendered it difficult for him to collect the materials for his defence. The petitioner was, it appeared, treated very harshly in the course of his imprisonment; but, notwithstanding all those circumstances, it was much to be regretted that this complaint should not have been preferred long since. For it was certainly a grievance to the accused, that it should have been deferred for seven years, as that must render it more difficult for him to make out the grounds of his vindication. But it was a strange fact, that notwithstanding the committal of the petitioner by the magistrate alluded to for murder, no bill was presented against him to the grand jury. The petitioner was, however, convicted of the misdemeanor for seditious words, which he uttered when half jocular and more than half in liquor. In consequence of this evidence, the judge charged in favour of the petitioner, but still he was convicted. He (Mr. B.) had, however, a much more extraordinary sample of the same jury at this assizes, for they, with express reluctance, acquitted thirty-eight persons who were charged upon the evidence of only one spy, whose evidence was contradicted by the most decisive proof of an *alibi*, accidentally discovered. The judge's charge was in favour of the accused, and yet the jury hesitated for ten or fifteen minutes before they returned the verdict of acquittal, declaring at the same time, that they thought the accused guilty, although the evidence was insufficient. This declaration excited the disgust of every candid man in court, and especially because it appeared to proceed from prejudice, the prisoners being accused of a political offence. The jury were, however, so indignant at the disappointment of their prejudice in the acquittal of these men, that they actually convicted every one accused before them throughout the remainder of the day.

The motion was negatived.

Motion for Papers respecting the Bank of England and Exchequer Bills.] Mr. *Maberly*, after he had moved for sundry accounts relative to the revenue, which were ordered, next moved "That there be laid before this House, an account showing how the sum of five millions, voted for the purpose of paying off debt due to the Bank of England on the 5th July 1819, has been applied, distinguishing the dates of the different payments."

The *Chancellor of the Exchequer* said, that the hon. gentleman had framed a series of motions calculated to produce a view of the state of the consolidated fund, and also to bring before the House an account of the progress made in the repayment of the advances of the Bank, in consequence of the measures adopted last year for a resumption of cash payments by the Bank. With regard to the first object, he had no objection to bring it in the clearest manner, and to the latest date, before the House. The justice of incredulity, as to the expectations he had held out, would be seen by the result. Rumours and surmises of every kind had been in circulation on the subject. The House was well aware that there had been a considerable falling off in the quarter ending the 10th of October last, as compared with the same quarter in the preceding year. The chief deficiency, which had occurred in the customs, amounted to above 916,587*l.* The deficiency of the stamps was 96,728*l.*; and in the excise, 192,117*l.* There was, however, an increase in the Post-office, and on some other branches of taxes; but the difference between the deficiency and the increase, made a total deficiency of 1,151,556*l.* in the quarter ending the 10th October, 1819, compared with the same quarter in 1818. The House would observe that the 916,000*l.* of the customs constituted a great portion of this decrease. Various circumstances might be referred to in accounting for this large deficiency of the revenue; but he should mention only two, which would of themselves be found sufficient to explain the difference between the two quarters. The first was, the time at which the new taxes began to operate. It was perfectly natural that persons who were apprehensive of an increase of duties on their stock, should have endeavoured to pay before the 5th of July last. This had caused a deficiency in the October quarter equal to all the payments that would otherwise have been made in it. The other circumstance

was, that a considerable stagnation had taken place in the course of the year in our foreign trade. The export trade had, in the period referred to, diminished to the amount of 7,000,000*l*., and there was consequently a corresponding diminution in the export duties. But he was happy to say, that notwithstanding this falling off in the customs, there was no appearance of any material defalcation in the internal consumption of the country. The excise furnished a much better criterion of judging than the customs. It was, indeed, the best criterion of the actual state of the country, and might be referred to as the test of its prosperity. He should, therefore, endeavour to show what had been the state of several articles which came under the excise during the year ending the 10th October 1819; and that of the same articles on an average of three years, ending the 10th October 1818. The quantity of tea which had been charged with the duty, on an average of these three years, was 21,600,000 lb. The quantity which paid duty during the year ending the 10th October 1819, was 22,740,000 lb. The quantity of tobacco on the average of three years was 17,590,000 lb.; the quantity last year 17,755,000 lb. The account of the quantity of malt on which the duty had been charged was not yet made up. The amount of British and Irish spirits was for the average years 5,092,000 gallons; for the last year 5,190,000, being an increase of 100,000 gallons. With regard to wine, he should include all descriptions. The average of the three years was 3,455,000 gallons; the amount of the last year 3,670,000 gallons. The right hon. gentleman then proceeded to make similar comparisons of the quantities of foreign spirits, leather, and other excisable articles on which there had been an increase. The comparison he had made, and the great general increase of the excise duties on the whole year, afforded a very favourable prospect, not only with respect to the revenue, but the general prosperity of the country. It proved that in whatever degree local distress might exist, it had by no means been so great as to affect the general consumption of the country. The decrease was only in the customs; and though the deficiency for the whole year in that branch had been considerable, it was not general with regard to every article. In some an increase had taken place, and this was the case with respect to printed calicoes, to the amount of 60,000*l*. He now came to the current period, of which no complete account had as yet been made up; but he was happy to inform the House, that the produce of both the customs and excise had greatly improved since the 10th of October last. It appeared, that the produce for the current quarter would be nearly equal to that of any year he remembered, though there was the sum of 150,000*l*. short on the general account up to Saturday last. He now felt himself called upon to explain the ground upon which he opposed the hon. gentleman's motion. It had always been held as a principle, that parliament should not inquire into any diplomatic transaction while negotiations were pending. He thought that this rule of the House ought to be extended to transactions of a pecuniary nature, and that they should refuse to inquire into them until they were completed, unless where some specific ground of charge was laid. In addition to this, such an inquiry would open a wide field for the operations of stock-jobbing. He thought it best, therefore, to confine what he should say on this subject to a very general observation. He had no objection to inform the hon. gentleman, that a large sum had already been paid to the Bank, and that means were taken for the full payment of the 5,000,000*l*. in question. Funds were provided and would be applied to that purpose. As, then, no ground had been laid for inquiry, it would be better to refuse a motion which had that tendency. The objection which he had made to the present motion, applied also in some measure to another which the hon. gentleman intended to bring forward. He meant that which called for an account of the money in the exchequer. No ground had been laid for such a disclosure, and he thought that every man must be aware that the practice was to keep the money in the exchequer as low as possible, on account of the interest. With respect to the object of another motion, he could inform the hon. gentleman that no advance had been made on the malt-tax. With respect to the alarm created by reports of the transfer of British property to France, it might be true, that property had been so transferred, but he believed it could be only to a small extent. That no considerable sums had yet been transferred to the French funds, appeared from the state

of the exchange; and there were circumstances which led him to conclude, that no very large sums were likely to be so invested. Looking at the exchange, that index of the state of money transactions, he concluded that the late remittances to France did not much exceed the average of late years. Besides, there were circumstances in the state of the French laws, which would always operate powerfully against such transfers. A person who invested property in the French funds was deprived of the power of disposing of it by will according to his pleasure; for by the law of the country, all real and personal property became liable to be equally divided among his children. This law rendered any testamentary disposition nugatory. [Mr. Brougham asked across the table, whether the right hon. gentleman meant that real and personal property were equally subject to this law.] For the truth of what he had stated he referred to the book published by M. Cottu, a French lawyer, who had lately visited this country for the purpose of inquiring into the state of British jurisprudence. Gentlemen would there find an examination of the laws of succession in France and England, and the preference given to the latter on account of the author's objection to the equal division of property in his own country. A Mr. Bristed, who had given an account of the state of America, had spoken in a similar manner of the disadvantage arising from the abolition of the law of primogeniture in the United States. Thus, two authors from opposite parts of the world concurred in preferring the British system of succession to every other. The pre-eminence which Virginia had maintained in the union of the American States Mr. Bristed chiefly attributed to the circumstance of that state having preserved the English law of primogeniture. He certainly was not disposed to reject the compliments which these writers had paid to the long established law of this country. He should only add, that from the state of the law in France, if money was transferred there, the owner, if he did not wish it to be equally divided among his children, must take care to dispose of it during his life, for a testamentary disposition would be of no use.

Mr. *Ellice* was surprised that the right hon. gentleman had assigned no better reasons for refusing the motion of his hon. friend. The statements he had made by no means bore him out in his conclusions. In making his comparative statement on an average of three years, ending the 10th of October 1818, compared with the year ending 10th October, 1819, he had forgotten that the distress of the country had not acquired its greatest influence, until within the last six months. Its operation on the revenue began, therefore, to be felt more particularly in the quarter ending on the 10th of October last. Besides, the year 1817, one of the three which the right hon. gentleman had included in his average, was one of the worst which had occurred, and therefore contributed to render the average unfair. To attribute the great defalcation of the last quarter to the payments made in the preceding, was not consistent with the view the right hon. gentleman had taken of the increase in the quantity of articles charged with duties, and the undiminished consumption of the country. He had stated that all the great exciseable articles remained unreduced. In answer to this he must say, that he was afraid the reduction of the revenue was only began. He had seen a good deal of the distress of the country, and knew it to be in a melancholy state. The right hon. gentleman had made statements to show, that the consumption of tea, spirits, and wines, was not diminished. It was probable that there might be some increase on wine, in consequence of the right hon. gentleman having included Cape and every sort of wine in his calculation. With regard to tea, a comparative statement of the quantity paying duty was fallacious, as the duty was *ad valorem*. He knew, from a person well informed on the subject, that the duty on high-priced tea had fallen off; the increase in quantity must therefore have taken place in the coarser kinds of tea. There was a deficiency on the September sales to the amount of 199,000*l.*, and on the present sales it would be 350,000*l.*: so that there would be altogether about half a million of deficiency on that single article. The right hon. gentleman had referred to the practice of the House in refraining from inquiring into pending diplomatic negotiations, and had argued that the same rule ought to be observed in pecuniary affairs. He doubted the soundness of this reasoning. Existing negotiations were not inquired into because it was supposed possible that something might be disclosed which would give offence to the party

treated with, and perhaps widen the breach. The analogy which the right hon. gentleman wished to establish would indeed be well founded, if he and the party with whom he was treating were not on good terms. If there were a want of harmony between the government and the bank, the objection of the right hon. gentleman to the motion would be reasonable. He had been very anxious last year to obtain an account of the state of the consolidated fund, and of the arrangements made for paying the bank; and from what had been stated respecting the sum of 1,200,000*l.* paid within the last month, that anxiety was much increased. Very extraordinary rumours were afloat respecting the manner in which that 1,200,000*l.* had been raised. The reports of the means which had been resorted to were certainly not creditable to the government, and he did not believe them. It had been among other things stated, that arrangements had been made for procuring assistance from abroad, and that those securities in the French funds to which government was entitled by the late treaty, were pawned to individuals to raise this money. This he could not credit. There was another point of great alarm. It had been stated that only a small portion of the new taxes would be applicable to the consolidated fund. That was saying, that three millions were still to be drawn out of the pockets of the people; and a greater sum still must be drawn from their pockets to pay the Bank. The right hon. gentleman among his reasons for refusing the account asked for, said, that it would open a field for stock-jobbing. Now, he would ask the right hon. gentleman whether the latter part of his own argument had not in it some tincture of stock-jobbing? The object was, to describe the difficulties to which persons transferring money to the French funds would be liable, by which the right hon. gentleman, no doubt, hoped to produce a favourable effect on our own. This was certainly a very laudable wish, but still the purpose was stock-jobbing. He doubted, however, the accuracy of the account given of the effect of the French law on funded property. He recollected, that about a year ago an alarm prevailed respecting the effect of the French law on the property of foreigners in their funds, and that a circular letter was published to remove the impression. If money were deposited in a banker's hands in France, he believed that banker could not say that he would withhold it from the executors of the person in this country who had deposited it, because the law required that it should be equally divided among the children. The executors, as in this country, he supposed, would be entitled to recover the money and pay debts. The law with respect to funded property, he imagined, would be the same as with respect to money lodged with a banker.

Mr. *Lushington* said, that the consumption of tea had been considerably increased during the last year. It was certainly greater last quarter than during the corresponding quarter of last year: and if hon. gentlemen would look at the several quarters as compared with those of the two last years, they would still have reason to consider the revenue generally as improved. He thought it more fair and proper to take an average of two or three years, in these cases, than to refer only to a particular period. In regard to the produce of the new taxes, hon. gentlemen seemed to think that they ought to have brought more into the exchequer: they imagined that the gross sum of 3,190,000*l.* should come into it week by week, and month after month, in certain regular proportions. But if those gentlemen would have the goodness to refer to the papers before the House, they would find it was impossible that the taxes submitted to the House last session could be realized more quickly. This was owing to the long credit which it was necessary to allow to retail dealers, traders, and other venders of the articles taxed. In the article of malt, which was to produce 1,500,000*l.*, not a particle of that sum could be procured till January. He trusted, therefore, that the hon. gentleman would perceive how fallacious any calculation must be, founded on an expectation that government was to receive about 800,000*l.* every quarter, of these taxes. To convince him of this, he would state, that of the duties last mentioned, they had received 160,000*l.* up to the 10th of Oct. last, which was all they could reasonably have expected in that time.

Mr. *Grenfell* considered this question as involving in it, in some measure, the discussion of the measures taken by the House for the resumption of cash-payments on the part of the Bank. It was on that occasion suggested, that some regulations should be imposed upon govern-

ment as to the periods in which they should repay the 5,000,000*l.* to the Bank. He could not forget that he had had the honour of being an ally of the right hon. gentleman in the discussions which then took place; and he could not help considering, that it would be most unwise, and unnecessary, for them now to interfere with respect to the repayment of those 5,000,000*l.* As to whether the whole of those repayments should be completed between the months of July last and April next, it appeared, that the repayment of a sum of 1,200,000*l.* had actually taken place, with which he was well satisfied; and that being the case, he should vote against the motion.

Mr. *Ricardo* said, it appeared to him that the House would act very unwisely by interfering as to the arrangements entered into by government for the repayment of the 5,000,000*l.* of advances to the Bank. At the same time he was at a loss to conceive what danger could arise from giving any information upon the subject. It had been objected, that the production of that information would lead to extensive stock-jobbing. He thought it would have just the contrary effect; for stock-jobbing was always best assisted by secrecy—by the circumstance of some individuals possessing certain information, which the other parties, with whom they transacted their bargains, were ignorant of. Now, supposing the statement required were made known, no jobbing could take place; because every one would then know all that had occurred, as to the repayments. With regard to what had fallen from the chancellor of the exchequer, that the state of the exchanges afforded a means of knowing what capital was going out of the country, he thought very differently. Supposing he wished to invest a sum of 50,000*l.* in France, or any other country; might he not order his correspondent to invest the produce of the goods he had sent out (50,000*l.* for instance) in the public funds, or in other goods, or in lands? No alteration could take place in the exchanges, unless there was a bill negociated. The official accounts annually laid before the House, relative to our exports and imports, were such, that it was impossible to draw any correct or practical inference from them. He remembered to have heard it stated, that at the time of the union with Ireland, each of the two countries gave a relative and comparative statement of her exports and imports; when Ireland made out that she had exported the larger quantity of commodities to England, and England appeared to have exported the larger quantity to Ireland. No correct information, therefore, could be derived from such returns. He should vote for the motion of his hon. friend.

Mr. *Kinnaird* believed that one of the greatest evils which lessened the confidence of the public in the resources of the country, and which gave rise to all those rumours that could not surely be of advantage to it was, the ignorance in which the public were kept with respect to the intentions of the chancellor of the exchequer. As to the manner in which the right hon. gentleman was to repay 5,000,000*l.* to the Bank, he was confident that the reports which had been circulated relative to that simple fact, had done more injury to the funds than any thing else, and had more encouraged stock-jobbing, against which he would ever set his face. He should vote for the motion of his hon. friend.

Mr. *Maberly* begged to ask the right hon. gentleman, whether he did not consider this as a matter of finance? Whether the principle, upon which the act of parliament directed the repayment of 5,000,000*l.* to the Bank, was or was not conceived with a view to lessen the unfunded debt of the country, and to enable the Bank the better to pay in specie? Parliament had made provision for the repayment of one debt of 5,000,000*l.*, only 1,000,000*l.* of which had been paid; and they had borrowed, in addition, other 5,000,000*l.* Was this a subject for inquiry or not? By borrowing 5,000,000*l.* upon the consolidated fund, they had, in fact, increased the debt by 1,000,000*l.*, instead of decreasing it by 5,000,000*l.* The right hon. gentleman had stated, that the customs were deficient, in the quarter from July up to the 10th of October, upwards of 900,000*l.* The right hon. gentleman told them that they must not look at the exports and imports, but at the exports. The right hon. gentleman begged them to look at the great article of tea, and to observe the number of pounds sold. But he seemed to forget that the increased consumption of this article furnished no test of the improvement of the revenue, as the duty upon it was an *ad valorem* duty, and thus, following the original price, might decrease in aggregate amount with an increase of

consumption. The right hon. gentleman well knew, that in the ensuing year he must look for a defalcation of 1,000,000*l.* in the duties on that article. Let him look to facts. Was it not known to him that the distillers did not begin to work till much later than usual this year, and that this year the brewers had brewed 100,000 barrels of beer less than they did during the last? All the great articles of excise had declined. He did not for this blame the right hon. gentleman, because he could not force a demand from customers on the continent. Certainly his majesty's ministers could not therefore be blamed: nor was it to be expected that they were to furnish people with money for the purchase of tea, tobacco, and other articles. But what the right hon. gentleman was to be blamed for was this —that he made his calculations too sanguinely, and then had to justify them; and accordingly, on a former occasion, he was more sanguine in those calculations than the committee appointed to inquire into the same subject. This was, he feared, certain—that if there was this difference between the quarters, it must go on. The right hon. gentleman could not expect to raise the same taxes out of a reduced which he had received from a large expenditure.

The motion was negatived.

Mr. Maberly then moved for "an account of all Exchequer Bills received in payment of duties between the 1st of July and the 21st of December, 1819." The Chancellor of the Exchequer moved, by way of amendment, the insertion of the words, "10th of October," in the place of "21st of December." After a short conversation, the House divided on the motion that the "21st of December" stand part of the question: Ayes, 30; Noes, 90. The main question, as amended, was then agreed to.

NEWSPAPER STAMP DUTIES BILL.] Lord Castlereagh moved the third reading of the News-paper Stamp Duties-bill.

Mr. *Bernal* said, he had this day conferred with some news-paper venders, and proprietors of news-papers, residing in different parts of the country, and they all agreed that some of the clauses would materially affect those employed in vending cheap publications. They were men of small capital; and the clauses, if severely executed, would be the ruin of them; that which required them to find security would fall most heavily on them. It was impossible for them to find those securities which the act demanded of them; and therefore for the last time, he had to entreat the noble lord, and the chancellor of the exchequer, to apply some remedy to the grievance, by not persisting in the measure as it now stood.

Mr. *George Lamb* said, he would make no apology for rising on the same side immediately after his hon. friend, as it seemed to be the system adopted by the gentlemen opposite, to allow those upon his side of the House to go on speaking one after the other, till somebody on the opposite benches might think it convenient to answer. In looking at the measure before the House, it was impossible not to remember a declaration of the noble lord, that it was not his wish to establish a censorship of the press, as if a member of the Crown thought it necessary to disclaim having entertained a proposition from which our ancestors—he did not mean those of Alfred's days, with whom we had very little in common, but those of later date would have revolted with horror.—Perhaps, however, ministers did not go so far as other members of the House in supporting arbitrary principles; for while one hon. gentleman had held that the freedom of the constitution ought to be abridged, another (the hon. member for Corfe-Castle) had said, that Mr. Justice Blackstone had become an obsolete writer. Notwithstanding the awful authority, however, of the member for Corfe-Castle, he must venture to differ from him on that head. He considered the very learned and admirable writer in question of the highest authority, and reasonably held him in that estimation to which his celebrated work entitled him. But if these measures were to be still pursued; if the system which was prepared by the noble lord a few weeks ago were yet to go on, he must certainly think the Commentaries of Mr. Justice Blackstone on the law of England were indeed about to be laid on the shelf, as hostile to the state of things which those measures and that system were calculated to produce. He did not know whether the Attorney-general and the Solicitor-general meant to favour them with a new set of institutes of the constitution which they had promulged: but if the progress of arbitrary legislation were to go on with the same fearful rapidity with which it had advanced since the House re-assembled, he was afraid that the sheets of their work would be scarcely dry

before it would become altogether inapplicable to the existing state of the times. As to Mr. Justice Blackstone, however, though perhaps he incurred the risk of being thought equally obsolete to quote such an authority, it never entered into his head to suppose that any thing like pains and penalties could be imposed previous to publication. All that that great man laboured for, was, to justify the responsibility of the publisher after publication.—His words were:—"Where blasphemous, immoral, treasonable, schismatical, seditious, or scandalous libels are punished by the English law, some with a greater, others with a less degree of severity, the liberty of the press, properly understood, is by no means infringed or violated. The liberty of the press is indeed essential to the nature of a free state; but this consists in laying no previous restraints upon publications, and not in freedom from censure for criminal matter when published." Such was the forcible demonstration of Mr. Justice Blackstone. In the course of the previous discussion, there had been an attempt made by the gentlemen opposite to distinguish between authors and publishers, and to prove that the restraints laid upon the latter could not affect the former. But it ought to be recollected, that in some cases they were the same persons, and in most cases their interests were completely identified, so that no restriction imposed on the one could be inoperative on the other. The securities required were said to be intended for the purpose of excluding from the management of the press, persons of desperate character, and placing it in the hands of those who were men of substance, and who consequently, both from regard to the station which they held in society, and the pecuniary loss to which they would be subjected in case of abusing the right of free discussion, would be cautious not to publish any work of a seditious or blasphemous nature. But could it be said, that the necessity of entering into recognizances and finding securities was not a censorship?—A censorship, not like that which formerly existed in this country, and which still existed in other parts of Europe—a censorship, not adapted to exclude articles of a wicked or dangerous tendency,—but a censorship directed against writers and publishers of a certain fortune, be their principles good or bad, their works useful or pernicious? No man now, unless possessed of a certain amount of wealth, would be allowed to address his countrymen through the medium of the press; and the poor author, however gifted with talents would be reduced to silence. Lord Coke had said, that there were five trades condemned to perpetual beggary—namely, the alchymist, the informer, the monopolist, the concealer, and the poetaster. The trade of the alchymist was now gone, since the philosopher's stone had been despaired of; that of the informer had lately been prosperous; he would not go over the rest, but would say, that by this bill the author who was condemned to poverty was likewise condemned to silence. Would the measure, by thus raising the pecuniary qualifications of public instructors, tend to render the press more respectable, or exclude those libels which it was the object of the legislature to suppress? It had no such tendency. The rich man, who valued little the sum which it was necessary to offer in recognizance or security, might still publish his libels, however libellous, without the least restraint but the sacrifice of a few hundreds. His money could secure him a ready publication of the most wicked and pernicious works as easily after the passing of this bill as at present; while a man with less wealth, but with more talent or principle, would be restrained from benefitting either the public or himself through the medium of the press, merely because he was poor. Let the House take into consideration the situation of a young man of genius, desirous of becoming an author, after the passing of this act—a young man without wealth or rich connexions, but conscious of talents and acquirements that would fit him for enlightening the public mind on the most momentous questions of politics and government, and enable him to lay the foundations of a lasting reputation for himself. Before he could establish any periodical publication, he must go to his friend to ask him to be his surety; and what would that friend answer to such an application? His answer would be, "I have the highest opinion of your talents and principles; I place the most perfect reliance upon your honour, as far as depends on yourself; I would trust you with my fortune, or my life; but you are going to engage in an occupation in which no human knowledge can guard you from an offence which no man can define, in which no care can preserve you from punishment, in which nothing but supernatural vigilance and con-

stant attendance among your devils, can save you from exposing yourself to a conviction for libel, and me from a forfeiture of the bond you request me to enter into." It had been truly said, in a former debate, that many men who had become the glory of their country and the ornaments of literature, had risen from such low beginnings, that they would have been unable to comply with the conditions required in the present bill. To show the original situation of many who had afterwards risen to honours and distinction in the country, he would refer the House to a debate which took place on a motion regarding the conduct of the benchers of Lincoln's-inn passing a by-law to exclude from their society, persons who had been connected with the public press, when an hon. gentleman who now held a high judicial appointment, and who was then a member of the House (Mr. Stephen, master in chancery) declared that he himself would once have been liable to the exclusion; and advocated the cause of the gentlemen in question in a manner equally honourable to them and to himself. He desired the hon. gentleman opposite to picture to themselves Mr. Burke when he began his literary career, struggling with the embarrassments of poverty, and concealed in the shade of neglect, but laying the foundation of that literary eminence, and preparing those works which had afterwards become the admiration of the world; he desired them to conceive to themselves this great man obliged to go to some miserly friend or some sordid acquaintance, to request his security before he could publish any of his thoughts to his countrymen or procure a licence to comment on the acts of statesmen. From the risks that such friends would incur by entering into the bonds required by the bill, they might have refused, and he might have been prevented from publishing those works which had procured him so much celebrity. It was no fanciful or theoretical danger, that of being liable to penalties without being privy to the libel, or even when opposing its publication. A case had come into court not long ago in which a young man, the editor of a newspaper, was convicted of a libel and punished with imprisonment, though it appeared on the trial that the offensive paragraph had been inserted by command of the proprietors of the paper, for which he was responsible, without his knowledge, and contrary to his wish. On the subject of this bill, he felt more keenly than on the other measures that preceded it; for the House was not now called upon to legislate for any certain or specific evil, as in the case of the training prevention bill—an evil acknowledged on the most certain evidence to exist, and imperiously demanding the interference of parliament to put it down—but they were required to legislate without any apparent necessity for new laws, on the opinions of the authorities throughout the country, who demanded new powers, and joined from the highest to the lowest, from the justices of the peace down to the police officers in Manchester (who received the recommendation from their predecessors, and would transmit it to their successors in office) in recommending restrictions on the press.—But before they said that education was an evil, before they declared that the present laws were insufficient to repress blasphemy and sedition, before they stigmatised all the societies in the country that had for their object to discourage impiety and suppress vice, gentlemen ought to consider the nature of the new remedy that was proposed to be applied. He conjured the House to pause before they contributed by this measure to put down the generous and philanthropic spirit which induced men to labour for the dissemination of morality; before they prevented the people from reading the Bible and the excellent and cheap tracts circulated by those men, towards superinducing the beneficial results of the Christian religion.—Those who had spoken in support of the bill seemed to think that they could suppress by it one part of the press, and allow the other to remain free—as if they could make one law for the blasphemous and seditious press, and another for the moral and religious—as if they could make a statute to stop the mouth of the blasphemer, the atheist, and the seditious libeller, which would not likewise affect the writer who advocated sound principles in morals, politics, and religion. It was in vain for him to contend against the passing of this bill. The House had already allowed it to be carried to its last stage, but it had not yet decided that it should continue a permanent law. He, therefore, if the bill should pass, would offer a clause after the third reading, if no other hon. gent. should think proper to do so, to limit its duration. He hoped the House would consent to the clause, [illegible] not declare its opinion that b[illegible] as [illegible] sedition would

be permanent in this country by refusing to accede to a temporary measure for their suppression.

Mr. *Pryce* said, that parliament ought not to surrender the liberties of the people permanently to a temporary alarm. It had hitherto been the glory of the English press that it had no previous censorship, but this boast it was now called upon to surrender. Before ministers asked for new powers by this extraordinary measure, they were bound to show that the existing laws were insufficient to suppress the evil complained of after having been duly carried into execution. He was willing as well as the other gentlemen on that side of the House, to sanction measures for the establishment of tranquillity, and he had no objection to the imposition of a tax on some publications, provided the liberty of the press would not be destroyed by the remainder of the Bill. He blamed the government and the law officers of the Crown, for declining to bring on more prosecutions, in consequence of the acquittal of Hone. He must connect the present bill with the other measures which had been brought forward by ministers; and in his mind the system taken as a whole, created more grounds of alarm than the state of the country which it was intended to meet, alarming as that was. In order to see the intentions of ministers, the bills should be considered as they were originally introduced, and not as they were subsequently modified. The honourable gentleman then went over the changes made in the traverse-bill, the seditious meetings bill, the blasphemous libel bill, and the bill now before the House; and contended that their original severity showed the conviction of ministers, not that the power of the Crown should be reduced, but that the influence of the people should be reduced. It had been well said by Montesquieu that the existence of freedom in England mainly depended on the right of petition by public meetings, and the freedom of the public press. How alarming was it to see the former nearly annihilated by the bill for preventing meetings, and the latter about to fall under the enactments of the measure now in progress. He besought the House to weigh well the consequences which would attend the present bill before it gave it its sanction. At least it ought to be rendered temporary. The sentiments which he had uttered were those of an honest man, and he requested the House to pardon him, while he entreated it to give the measure full consideration before it should be finally adopted.

Mr. *J. Smith* said, he could not refrain from delivering his sentiments on that part of the bill which required recognizances and securities, convinced as he was that it must be ruinous to a useful body of men. Some objections to it were so evident that they met every eye, and yet no necessity had been shown for enacting it. He himself had at one time great apprehensions from the blasphemous and seditious press, but his mind was set at rest on the subject by the speech of an hon. and learned gentleman last night, who had proved that juries were not unwilling to convict when the prosecution was judiciously commenced, and the trial properly conducted. That speech remained unanswered, and appeared to him unanswerable. That the law-officers of the Crown had not tried the strength of the existing laws, as they ought to have done, before they demanded an alteration of them, was evident from events that came under his own observation. Nothing could exceed his surprise at reading an account of the Smithfield meeting of July last, and at finding that the chairman was not prosecuted for the language of the resolutions signed by him. By one of these resolutions the persons who concurred with the chairman declared that they would not obey the laws beyond the beginning of next year; by another, that they would not pay taxes beyond a certain period; and by a third, that the national debt was a swindling concern on the part of the House of Commons, and ought not to be liquidated. He took it for granted, as he just then arrived in town, that the individual who presided at the meeting, and whom he had never seen in his life, would be brought to trial, and that he then should see him. He concluded that the law could not be allowed to sleep, and that the only question would be, whether the language was merely seditious or not also treasonable. Certain it was that no government could long exist which allowed any portion of the people to pass such resolutions. He really believed that if a prosecution had been immediately instituted against the parties to the Smithfield meeting, the late fatal occurrences at Manchester might never have taken place. Why was not the law enforced, and offenders brought

to trial, before new laws were called for? He wished gentlemen to consider whether the present bill would not do more harm to the interests of a body of men who were employed in the trade of circulating cheap good publications, than good in the prevention of tracts of an opposite tendency. Its operation in the first case was certain. It must condemn to absolute ruin a set of men as obedient to the laws, and as well affected to the constitution, as any member of the House, without offering any proportionate advantage; and how gentlemen could bring their minds to support a measure of which this must be the consequence, he was at a loss to conceive. He would not agree to it till it was proved that it was calculated to check more mischief by suppressing bad publications, than to produce injury by ruining a numerous and useful body of men. As an honest man he could not consent to the measure, and the sentiments which he felt, with respect to it he was assured were entertained by most of the inhabitants of the country. Measures, such as the present, could not be enacted with safety, and the House would, he hoped, not consider him intrusive, when he assured it that he sincerely deprecated the enactment of them.

Mr. *Cooper* had conscientiously supported his majesty's ministers in passing the bills, which the necessities of the country required to be passed at this important time, and for that reason he would state why he would support them on the present occasion. The press, like other things, was a good or an evil, as it was well or ill employed. The freedom of the Press was productive of benefit, while, on the other side, its licentiousness tended to the injury of the state. All infractions of the law required to be punished, but chiefly infractions of the law on the part of the press, which, instead of breaking the law, ought to labour for its being properly obeyed. Some additional measure of this kind, he thought, was called for by the extensive spread and incalculable multiplication of blasphemous and seditious works. This increase he attributed in part to the effect of Mr. Hone's acquittal. That acquittal excited alarm among all the friends of religion and order, and encouraged a noxious brood of scribblers to proceed with greater audacity, and to scatter their venom through the land. The measures which his majesty's government had introduced would operate as checks to the mischief. It was objected to the present bill, that it was equivalent to a censorship —an *imprimatur*. This was not the case. It merely required publishers to give security beforehand, that they would abide the award of a judge and jury, in case of publishing any thing libellous. The House had already done much. It had passed a bill to prevent drilling; it had passed a bill to enable magistrates to seize arms that might be turned against the peace of the country; it had passed a bill to regulate public meetings, and to expedite justice; but all these measures would be still insufficient, unless they were aided by a law to restrain the corrupt and mischievous, the blasphemous and seditious press. He thought the measure deserving support, which contributed to put down those pests of civilized society—the itinerant orators, men, who were (as Cobbett called them, in his better days) the parasites of the mob. He was fixed in his opinion that the corrupt, seditious, and blasphemous press ought to be restrained, more especially that part of it which infused a weekly venom into the popular mind; and he, therefore fully accorded with the great majority of the House, in giving sanction to measures, which could alone effectually produce the desired result.

Mr. *Calcraft* agreed with the member who had just sat down, that no measure was of more importance than that which went to regulate the freedom of the press. He agreed likewise with the hon. gentleman, that when publication without previous censorship was allowed, the person who published ought to be liable to all the consequences of his own act. This was the law of the land at present. It had been acted upon and found sufficient in the best periods of our history. The only question between him and the gentlemen opposite was, whether the existing law was now sufficient to restrain the licentiousness of the press, without any new enactment. He complained of the increase of blasphemous and seditious libels as much as any of those who supported the bill. Indeed, he might ask, did any one in the House defend that tainted part of the press? All that he called upon the supporters of the bill for was, to show that the law, as it had existed for 120 years, was now insufficient to correct the evil of which he as well as they complained.

He contended, in opposition to them, that the law had not been tried and found wanting; and he would appeal to a document on the table to confirm the truth of his statement. What said that paper to which he alluded? It showed that in the year 1818 there was no information filed or prosecution commenced against blasphemous and seditious libels. Why then complain of the law as insufficient, before its insufficiency was proved, or before an attempt was made to execute it? From the same paper it appeared, that in 1819 there had been various informations filed, and those that had been tried had led to conviction. The name of the notorious offender Carlile stood at the head of the list with two convictions opposite his name. Did this prove the insufficiency of the law? Why then bolster it up by this bill? Was not the present bill an innovation on the constitution of the country? Was it not a contraction of the liberty of the press? It was not shown, it had not been presumed that there was a necessity for alteration. Why, therefore, was it attempted? An hon. and learned gentleman had quoted precedents from the recognizances entered into by victuallers, who were bound to give security to keep the peace, and to prevent disorder in their houses, but the cases were very different. The offence of publicans was definite, that of libels indefinite. The recognizances of publicans was small, being only 10*l.*; that of publishers was considerable. Was a continual system of declamation against the abominable parts of the worst publications a sufficient proof of the necessity of fresh laws on the subject? If the present laws had not proved sufficient to convict blasphemers, then indeed there might be ground for innovation,—for new enactments. But it was evident that this was not the fact. He had no hopes to make any impression on the members opposite, although they were but few then, but who would soon become numerous, to vote for the bill. A number of respectable men had presented petitions against the bill, and would they have done so, if they had not considered it thoroughly objectionable. Blasphemy was abhorred throughout the country. All knew how odious the conduct of Carlile, after it became evident, on his trial, appeared to the country. With regard to the acquittal of Hone; it was well known that he had been prosecuted for an attack on the ministers, and not for his having parodied any thing sacred. With respect to parodies, they had been adopted by men of the most splendid talents, of the most enlightened understanding, and of the most elevated station. The prosecution against Hone was a mere act of hypocrisy. It was impossible that a jury could convict that individual, when they saw that statesmen, bishops, and lawyers had published similar productions; and that a parodist was actually a cabinet minister. The worst of the business was, that the measure was to be permanent. It was declared to be for the security and prosperity of the country; but when did England flourish, if not during the last 150 years. While her press was free, that freedom would always contribute to her greatness and her glory. The Solicitor-general had defended the clause requiring security from publishers, on the ground that recognizances were required from publicans; but the cases were different, as the offence of publicans was definite, whereas that of libel was indefinite, and the recognizance of publicans was small, being only 10*l.*, whereas that of publishers was considerable. The hon. gentleman proceeded at considerable length to oppose the bill on account of its tendency to prevent the spread of knowledge, to repress rising genius, and to restrain young authors in poverty, from a free publication of their works. He denied that Mr. Hone's acquittal had the tendency attributed to it, and said the jury could not have punished that individual when they saw that statesmen, divines, and bishops, had published similar parodies, and that a parodist was now a cabinet minister. He concluded by saying, that if the bill passed, he hoped it would be made temporary.

The question was put on the third reading, which was agreed to without a division. Mr. Bernal then proposed a clause limiting the operation of the bill.

Lord *Castlereagh* had the strongest objections to the temporary duration of this bill, and especially to the duration for the short period of one year. If the House could really consider the provisions of this bill as destructive of the liberty of the press, he should be prepared to admit, that whatever the present exigencies of the country might be, it ought to be merely temporary. It was his opinion, however, that there was not a single clause in this bill which could be rationally considered as an invasion of the liberty of

the press; on the contrary, he believed that it was admirably calculated to guard the nation from immorality, irreligion, and those other abuses by which the liberty of the press was always seriously endangered; and therefore he could not see any grounds for restricting its duration to a temporary period. Before he proceeded farther in his argument, it might perhaps be expedient to explain what he understood to be meant by the words, "liberty of the press." The liberty of the press, then, as he understood it was, the right which every individual, under the restrictions of the law, and subject to the decision of a court of law and a trial by jury, had to communicate his sentiments to his fellow-countrymen upon every subject, whether that subject was of a moral, a religious, or a political nature. To him the law of libel seemed as necessary to guard the liberty of the press, as any law made to repress the natural violence of human passion was to guard the existence of society. It was therefore the duty of parliament, whilst upon this subject, to follow up the two principles which it had previously sanctioned, and by so doing, to preserve the country from the influence both of local and of general prejudices. The first of these principles was, that all publications commenting on public events, and thereby frequently conveying intelligence of them, should be rendered liable to a certain stamp duty; and the second was, that the publishers of such works (the character of which was too well known for him to dilate upon) should be made responsible for all that they published, and should, by the security demanded of them, be prevented from evading the sentence of the law in future, as they had too often evaded it in times past. With respect to the second branch of the measure, the law had already subjected the printer to a responsibility; and in order that that law might reach him, he was obliged to put his name to that which he printed. But the evasions which had been resorted to, rendered that precaution inadequate to its object. An individual who afforded no security, although possessed of capital, found means of employing a deputy for the purpose of frustrating all the objects for which the legislature required the name of the printer. Now, in order to comprehend the policy of the law founded upon these two principles, it would be requisite to look not only to the present bill, but also to another, which would come under their consideration that evening; it would then be seen, that it was framed with a view to prevent the publication of blasphemous and seditious libels, and not with a view to inflict vindictive punishment upon any person offending against its enactments. That his majesty's ministers were not hostile to the liberty of the press, was evident from this circumstance—that the law now proposed would not affect the larger part of the press, but would only apply to the lower portion of it; to that class of minor publications of the country which was made the deliberate vehicles of mischief—that class of publications which was avowedly directed against the morals and religion of the country, and for the subversion of the government. The individuals against whom this law was intended to operate, had persuaded themselves that the press, as it was now conducted, was strong enough to subvert the government, and had even boasted that in their hands it would have sufficient power to accomplish that purpose. He, therefore, trusted that the House would acquit his majesty's ministers of any hostility to the press in general, when they saw that the provisions of this bill were directed not against the press itself, but against those who made an improper use of it. Now, what were these provisions? One of them extended the stamp duty to all pamphlets of a certain size and description, and to this provision he was not aware that any objection had been started; indeed, it would be a matter of no small difficulty to start one, for if parliament thought it expedient, either for the sake of increasing the revenue, or for any other purpose, to extend the stamp duty now imposed upon the regular newspapers to those publications which at the same time that they contained the most treasonable doctrines, were little better than a fraud upon the respectable part of the newspaper press, where was the person who would dispute the right of parliament to do so? He therefore thought, that none of the gentlemen who sat opposite him would venture to make any objection to this part of the bill, which, as it went to protect the property of the regular newspapers, who had long contributed to the revenue, under the operation of the stamp laws, from an unfair competition, ought to be of a permanent and not of a temporary nature. Having thus proved that to the first part of the new law any limitation of time [illegible]

totally unnecessary, the next point to be considered was, the second provision in it —he meant that which demanded security from those who employed their capital and talents in the production of such papers as he had just described. And here he thought it proper to observe, that he perfectly agreed in what had fallen from a learned sergeant on a former occasion, that this clause did not apply in any respect to authors; it applied solely and expressly to printers and publishers. In consideration of this clause, he should keep these three sets of men quite distinct, and should first treat of it as it was said to apply indirectly to authors. Now, he would put it fairly to any member in the House, and would ask him, whether he really thought that any regulation of the present bill, extending to printers or publishers, would be an impediment to any author—whose work was not of a dangerous or seditious tendency? After that question was answered, he would put another, and would ask of what nature that work must be which no printer could be found hardy enough to publish? As the law at present stood, an author might compose a blasphemous, seditious, or treasonable libel; he might carry it to a printer living in a garret, and able to change his residence at a minute's notice with as much indifference from London to Manchester as he would from Manchester to London, or any other place: he might find a printer thus circumstanced, who for a small sum would send this work into the world; and after all, he, the author, might say that he was still amenable to the laws of his country. He might, however, screen himself by placing his printer or his publisher before him. And would any one say that it was proper to allow any man to do so? Would any one defend the law which allowed any person to send a flagitious composition before the public, through the agency of a man who could so easily change his residence, and who, therefore, ran such small risk of meeting with punishment? He would now consider the manner in which this clause affected the printer and the publisher. It had been censured as a very harsh and a very impolitic measure to demand security from them before they were allowed to commence their respective trades; but when it was considered what an extent of capital there was in this industrious and commercial country, now unemployed, could any one suppose that there would be much difficulty in men of character procuring the sureties required, now that the sum required for them was reduced in London to 300*l.*, and in the country to 200*l.*? But it was said that this bill would displace from their occupations men of small, or rather of no capital—who had no other property than the instrument by which they lived. He allowed that it would have this effect; that, to a certain degree, such an effect would be an evil; and that, if there had not been another evil, produced by the present state of the law, more than counterbalancing the former one, he would never have thought of thus depriving any persons of their means of living. The ministers had of late had to combat with the most notorious libellers; and yet, though prosecutions had in some instances been instituted, law could not touch them, as they carried on their business by means of intermediate agents, who were well known to be agents, though the legal advisers of the Crown were not able to procure such evidence of that circumstance as was requisite for a court of justice. A name indeed was given in, but that did not render the party really guilty in any way responsible for his offence. That responsibility had been evaded by persons of talent, character, and property, employing their talent, character, and property, in suborning individuals, who were so low in station, that their punishment produced scarcely any effect on the community, to place themselves in that prominent situation in which they ought by no means to be placed. He therefore maintained that if the House had acted on principles consistent with the freedom of the press, in demanding to know the names of the printer and publisher of every publication, it would not violate those principles, in demanding of the printer and publisher of every publication security for any fine imposed upon them, in case of their publishing improper compositions. Indeed, it was quite foolish to suppose that there was any thing in this bill which trenched upon the freedom of the press; the press had no enemy except its own licentiousness; and that, he hoped, would be entirely abolished by the votes of the House that evening. He had no objection to the House considering this clause as introducing a restriction upon capital, but he must strongly insist upon its not being considered as introducing a restriction on the press. He was even

ready to admit that, in a commercial country like our own, nothing was more injurious than to lay restrictions upon capital. They were never sure they were on true ground except when capital was allowed to find its fair level. But then he must at the same time contend, that every case like the present should be considered along with all its circumstances. Of the competency of parliament to impose such a restriction, and to demand such security, the argument used by his hon. and learned friend on a former occasion, must have convinced every member in the House who was to be convinced. Parliament had often required such securities from the mercantile interest of the country; and indeed, to speak the truth, the whole of our commercial relations depended on the securities which existed between merchant and merchant. No man could act as merchant without finding securities; and what was the effect of this circumstance? Why, that no man of fair character ever found it difficult to procure them, merchant always being willing to give security for merchant. Indeed the whole history of our legislation was full of examples of restrictions on capital and industry, when the safety of the country demanded them. In the distillery laws, as well as many others, the House by their regulations had constantly shown, that the preservation of the morals of the people was always with them superior to every other consideration. The restrictions now proposed were not restrictions on the press, but restrictions only on the capital employed in printing or publishing. Where was the hardship in calling upon a printer or publisher to give those securities, which were so customary in the mercantile world? The only effect which it could have upon either of them would be to render them cautious regarding the works which they ushered into the world. The present measure was therefore to be considered in two distinct points of view—first, as it applied to the revenue; and secondly, as it applied to the public morals. That it was of importance to the moral character of the country, no one could doubt; that the preservation of that moral character was a point of greater consequence even than the preservation of the revenue, no one would dispute: if, therefore, he had proved in addition to this, that though it was a restriction on capital, it was not a restriction on the press, surely he had shown good cause why it ought not to be temporary. Looki[illegible] to the mild[illegible] salutary manner i[illegible] ch the laws of England were execut[illegible] he could see reason why any limitati[illegible] should be plac[illegible] to the duration of it. The House, if the law were harshly executed, would have the power to modify it, or, if at any future period, when our present dangers were past, it should think good to do so, to repeal it altogether. At this time, however, it was the imperious duty of parliament to meet the evil fairly in the face; to express its opinion upon the measure fully, earnestly, and solemnly; and by that expression of its opinion to convince the nation, that though it was determined to uphold the press, as a free press, it was also determined to make those who conducted it responsible for the offences of which they might be guilty. —As he did not wish to trespass again on the attention of the House, he should advert shortly to the other bill, with which the present was connected. With regard to the punishment, he would say that he was desirous of avoiding any description of punishment, in its nature or character uncongenial to the nature of the offence. But he trusted that while the House would avoid any punishment that was of a nature uncongenial to the offence, it would on the other hand take all possible care to deter offenders from committing crimes of such dangerous tendency as the crimes connected with blasphemous and seditious libels. The view of this subject which had been taken on a former occasion was perfectly fair. It was, "Did ever this punishment exist; and if it did exist, will it be necessary to apply it as a remedy; and, if applied, will it be sufficient to remedy the evil for which it is intended?" That the punishment had existed, nobody acquainted with our laws and history could for a moment doubt. That it was at present unnecessary had been contended, on the supposition, that if the prosecutions for libel had been more numerous, the offence would have ceased before the present time. But on this argument it was only necessary to remark, that those who used it were prophets of what never could be now ascertained. That it would prove an adequate remedy he firmly believed; and being such, if it was not sanctioned by law, every other effort they might make for the preservation of the public tranquillity would be unavailing; and the moral feeling of the country would be greatly disappointed. He repeated,

it—the moral feeling of the country would be greatly disappointed. That the moral feeling of the country was interested in the question could not be doubted after what had been witnessed during the debates on this subject. Indeed such was the general conviction within those walls, that his majesty's ministers had trusted to the impulse of the House; they had declined speaking themselves, and those members who had voluntarily come forward in their defence, had spoken more ably and more eloquently than ministers could themselves have done, and therefore it was impossible for any one to doubt for an instant, in what direction the feeling of the country was running. If, therefore, parliament had paused in the midst of its labours, if it had left the country, as some hon. members had advised, exposed during the whole of the Christmas holydays, to the dangers arising from the blasphemous and seditious pamphlets of the day, they would have fallen low indeed in the opinion of their constituents, and would not have been entitled, as they now were, to their thanks and approbation. With respect to the propriety of increasing the punishment on a replication of the crime, (leaving out any convictions for offences committed antecedent to the first conviction, under the present measure) such a course was recommended by every principle of justice or true policy. If the person once convicted of a blasphemous and seditious libel, committed that crime again, this bill, therefore, recognized the justice, as well as expediency, of visiting the second conviction with a severer punishment than the first. He did not indeed, expect to hear it contended by any one, that an aggravation of punishment for a cumulative offence, was not reconcileable with every principle of penal justice. In the event of a second offence, the House would see that the court would be reduced to this dilemma—either they must mete out his punishment to the offender, without taking into consideration his aggravated guilt, or else they must dealt with him in a severer manner than they did on the first occasion when he appeared at their bar to receive judgment. The first of these alternatives was so inconsistent with reason, that no person could be found to defend the adoption of it: and the latter was so fit to be adopted, that banishment was chosen as the best mode of inflicting that additional severity which the aggravated nature of the offence made it requisite that the offender should suffer. As for transportation, he trusted he should hear no more of it, especially as it had been thought fit to withdraw that penalty from the bill, except in cases where the convicted person returning to Great Britain before the term of his banishment was expired, showed a neglect of the court by whose sentence he was condemned. In such cases transportation was to be the fate of the offender, and not death as it was originally intended that it should be. But it had been said, the species of punishment was harsh, and that men ought not, for such an offence, to be subjected to the possibility of suffering the punishment of banishment from the realm. It had been contended that banishment was entirely unknown and quite novel to English legislation. If it was a proper punishment for the offence, the novelty of it could be no insuperable objection, because the laws of England were not so perfect as to be beyond the reach of amendment. But banishment as a punishment, was not novel. To go no farther back than the 36th of the king, that act contained a clause in which it was enacted, that in case of a second conviction for a seditious libel, either by speaking or writing, the punishment was to be banishment or transportation. It was, therefore, a little too much for any member to tell the House that banishment, as a penalty, was novel to the House. Indeed, the most appropriate punishment that could be devised for offenders of this class, was to separate and sever them from that society to whose religious and political institutions they found it impossible to reconcile their sentiments. Gentlemen on the opposite side of the House had imagined cases, and had quoted them, as if they had all the weight of facts; they had first supposed a publisher to be twice convicted of selling libellous publications owing to the inadvertence of servants, and had then complained of his case. Would any hon. member pretend to say, that if the inadvertence was proved to the satisfaction of the court, that such a penalty would be inflicted on the defendant as that on which they were now debating? Allowing, however, that it was inflicted in some particular case, would not the House, if it was to regard all the instances of hardship which could be imagined as likely to happen under a penal law, as so many established facts, be com-

pelled to make laws in such a manner as would spare the villain, and would deprive the innocent man of the protection to which he is entitled? Happily, the nature of our laws was such, that a corrective was soon applied to any abuse which might grow up under them; and that corrective was always to be found in the mercy with which the laws were administered. Therefore, to quote cases like those which had just been mentioned, was to tell him what nobody would believe, that the laws of England were administered with harshness and severity. He trusted that, as ministers had not shrunk from the responsibility of the situation in which they were placed, but had applied themselves with alacrity to meet the danger, parliament would afford them its succour to repel it with all that firmness and resolution for which it was distinguished. He trusted that the House would see that they had not trenched upon the freedom of the press, though they had placed a restriction upon capital. If he knew how that could be withdrawn without bringing danger on the press itself, he would willingly withdraw it; but as he did not, he must still continue it in order to continue the press in freedom; for he was convinced, that if the press were left to itself, it would be ruined by its own licentiousness, and would receive its death-blow, not from arbitrary kings or profligate ministers, but from those who would avail themselves of its energies in such a manner as would totally destroy them. The system of regulation now recommended, was not new; and if ever the House were justified in interfering with industry, it was in a case which involved the whole fabric of the morals and religion of the country. On those grounds he should resist the bringing up of the proposed clause.

Sir *James Mackintosh* rose with extreme reluctance and solicitude, to deliver his sentiments on the question now before the House. His great wish, on this occasion was, if possible, to limit the duration of the bill. The observations which he should have the honour to address to the House would have that object, and that object only. He would not be tempted, by the example of the noble lord, to enter into a discussion of the general system of measures which were now in progress through parliament. If he had been in health, he would have taken the proper time for that purpose. But he feared the time for making an impression on the House had gone by—he feared the time had passed, when, with any prospect of advantage to the public, he could proceed to take an extended review of those measures. Unfortunately, when he might, perhaps, have done so with some degree of effect, he was rendered incapable by severe illness. If the noble lord had confined himself strictly to the question before the House—to the motion of his hon. and learned friend—whether a limitation should be fixed to the existence of this bill, whether a temporary duration might be adopted consistently with the determination which the House had, he thought, unfortunately come to—a determination to support its principles and provisions—he should have been better able to consult his own strength and the convenience of the House. As it was, however, he felt himself called on to make a few observations on the extraneous matter which the noble lord had introduced in the course of his speech, and some remarks on the general principles to which he had adverted. It would ill become him to dissent from the opinion of the noble lord, that the penal laws of this country were capable of amendment. To the furtherance of such an amendment the remainder of his short public life would be zealously devoted. Such an amendment the exertions of a noble friend of his had greatly forwarded, by obtaining a limitation of the power of the attorney-general with respect to the time of bringing on *ex officio* informations. That, he thought, was the greatest and most beneficial alteration of the criminal law of the country, that had been effected since the Libel bill of Mr. Fox, in 1794. The restriction of the power of the attorney-general and the libel-bill were the two most important constitutional measures that had been effected since the emancipation of the press from the despotic control of a licencer, in 1694; the bringing back of which unnatural authority seemed to be the present wish and intention of some intelligent and enlightened members of the House of Commons. It gave him the highest degree of pleasure, when he reflected, that those great benefits had been obtained for the press by two persons, for the memory of one of whom he entertained the highest veneration, and for the other of whom he entertained the warmest friendship and affection. The noble lord was, he conceived, mistaken, with me

spect to the nature of the other bill before the House, when he declared that the magnitude and extent of the evil justified its provisions. If the magnitude and extent of the evil were the only question, there would be little hesitation in assenting to the proposition of the noble lord: he acknowledged with shame, he acknowledged with detestation, the existence of publications in this country, which no man of a just or well regulated mind could read without the deepest abhorrence. If the prevalence of those libels alone, if the attacks which they contained on the government, if the ridicule which they contained of religion, if the abuse which they lavished on civilized society, if the incitement to crime of every kind which they afforded, if any, or all of these causes could justify this measure, there would be little hesitation in that House as to the course which ought to be pursued. Every other feeling ought at once to give way to the great consideration of preserving the people from such a contagion. But it was proved, as clearly as any moral proposition, that those evils, from whatever cause they might arise, were not to be traced to inadequacy of punishment, and therefore that fresh penal measures were not called for. Inadequacy of punishment might occasion the growth of a particular species of crime. If many prosecutions took place, if many convictions followed, if many punishments were the consequence, and if still, particular atrocities were continued, it might argue a defect in the criminal code. That would be a case where the nature of the evil would point out a specific remedy. There it might be inferred that the remedy would be found in an increase of punishment, because the existing punishment did not eradicate the evil. But could it be said, where there were no prosecutions, and where consequently there had been no convictions, that there the law was defective? He begged not to be misunderstood when he alluded to there having been no prosecutions—he meant not to insinuate any charge against his hon. and learned friend opposite; he agreed in the principles which his hon. and learned friend had laid down on the preceding night, as being those on which an individual in his high situation should proceed in conducting prosecutions. He only maintained a general proposition; he attached no blame to any person: what he maintained was, that in cases only where prosecutions had been instituted, and no useful example had been made, a new system might be tried as an experiment. But it was not the mere existence of the law on the Statute-book, but the due exercise of the punishment that might be inflicted under it, that could deter from crime. If the punishment of libel was death by the law, and no prosecution took place, the mere nominal punishment could not avail to suppress the evil. But, suppose, as had been said, that certain of the existing evils arose from the indisposition of juries to find verdicts against particular defendants, would the increase of punishment, he would ask, make juries more anxious to convict? He would not reason it so far, as increase of punishment evidently had a tendency to defeat the object which those who awarded it had in view. Was it the difficulty of obtaining proofs that rendered convictions less frequent? If it were so, would additional punishment lessen that difficulty? Would not witnesses, on the contrary, become more unwilling to appear, and would not those who did appear display more art and cunning, in order to destroy the effect of their evidence? With all respect for his hon. and learned friend, to trace the existence of the evil to any cause that pointed to an increase of punishment was not the way to find out the true remedy. On the contrary, he considered that increase of punishment had a considerable tendency to produce rather than diminish guilt. He would take that opportunity of stating, that when this bill went into a committee, it was his intention, as the best proof in his power that he meant to check the publication of blasphemous and seditious libels, to propose a definition of the crime to which the increased punishment should be applicable. He would endeavour so to frame it, that none but those who were actually and wilfully guilty should be punished; but he would attempt to exclude from the operation of its provisions those occasional indiscretions, those unconscious bursts of feeling and passion which if they did not constitute the chief merit, were inseparable from the ardour of all great public writers. He would propose a definition, which would spare the general press of England, at the period of its greatest purity—at the period when it boasted the most splendid talents—at the period when it had effected the most signal services for the country and for Europe, from the ignominy of being

confounded with traitors, with blasphemers, with those who were guilty of every species of atrocious crime! He would most sincerely endeavour to propose and carry such an amendment as would confine the action of this bill within those boundaries which could alone justify the adoption of any new measure. But to proceed to the bill immediately before the House. The most extraordinary doctrine of the noble lord, to which he begged to call the attention of the House, was the assertion, that the measure was not dangerous to freedom; that it was not an infringement on the liberty of the press, but an improvement of the existing laws. He was willing to allow that circumstances might arise under which it might be necessary to impose restrictions on the liberty of the press, or the constitutional rights of the subject, for the sake of public order; that even a case might be stated in which the sacrifice of a portion of the press might be resolved upon without a crime, in obedience to the awful demands of the moment; but still, however palliated, excused, or justified, the nature of the thing was unchanged—it was a restriction, a great and serious restriction upon the liberty of the press. If the noble lord had not, he thought, unnecessarily, gone into the general argument, and treated the measure with reference to its two branches —the imposition of a new stamp duty, and the obnoxious provisions which demanded recognizances—if he had not contended that it was not an infraction of the liberty of the press, he (sir J. Mackintosh) would have discharged his duty by saying a very few words on its manifest tendency; but it was impossible for him not to protest against the doctrines of the noble lord as being in themselves untenable, and leading to consequences of the most fearful nature. The House were called on to make a great sacrifice, and the House ought to understand the nature of the bill before they ultimately decided. The noble lord said, that the measure might be considered either as a regulation necessary to improve the law respecting the press, or as a sacrifice of a portion of the liberty of the press for the purpose of preserving the public tranquillity. The latter, he thought, was the true mode of arguing this measure; but let the noble lord view it as he pleased, a restriction on the liberty of the press, a great and serious restriction, it undoubtedly was. This proposition was not perhaps so true with respect to that part of the bill which provided for a new stamp duty: indeed, that part would not be so at all, but for the preamble of the act, which declared, that it was not a tax proposed for the purposes of revenue, but in order to protect the public against various mischiefs. It was indeed like some commercial measures with which they were familiar: it was a protecting duty against publications of a certain size: it was a protecting duty to destroy a class of publications, to the general character of which, as stated by those who had spoken in favour of the bill, he entirely subscribed. But whatever evil those publications were calculated to cause, might, as he had already shown, be repressed by the laws which were at present in existence. Much had been said of copying the example of the Whigs on this occasion: and his right hon. friend, the president of the board of control, had undertaken a singular task in the discharge of his public duty as a member of parliament. He, one of the most eloquent, and most accomplished, and most distinguished ministers of a prince of the house of Brunswick, never lost an opportunity of showing his wit, and exercising his sarcastic talent, in abusing those who placed the predecessor of his master on the throne. No occasion had lately arisen, no subject had been introduced, that his right hon. friend did not descant on this his favourite topic. Those who joined with him in this amusement seemed to forget that, in that House, sixty years ago, those splendid flashes of wit, those lively sallies of imagination at the expense of the Whigs, would have been considered not only highly unbecoming, but almost treasonable; although they were now nightly repeated to the infinite merriment of those to whom they were addressed. His right hon. friend seemed to exult over the fall of the Whigs, when a few nights since he adverted to the time when, as he said, "it had pleased God to put an end to their reign." He would not say who put an end to their reign, but he would say, that they were preserved as long as it was necessary; they were preserved while the throne was in danger: but when the Crown was no longer menaced, when the sovereign was in safety, when the succession was firmly settled, it was then thought fit to sacrifice them, because they would not be the ready and subservient tools of prerogu-

tive. He knew that his right hon. friend who bade the country beware of the Whigs, who indulged himself and all his friends with various jokes about them, was extremely happy when he could find out any acts of those unfortunate and proscribed individuals, who for 60 years had sat on the opposite side of the House, for three or four years only, when those acts bore any resemblance to those of his friends. His right hon. friend had never indulged them with any comment upon the conduct of the Tories. He would there have met with a better precedent to his hand. It would be found in the amusing publication in which Swift described to Stella his visit to London, (and the coincidence was rather curious as applicable to the present measure) that Swift had himself, being then a distinguished Tory, suggested the first idea of a stamp duty, for the avowed purpose of preventing publications against the government. A history of that transaction might tend to render the debate less dry than it at present was. On the day of the expulsion of Walpole from that house in 1712, a message was brought down from the queen, complaining of the inundation of profane and blasphemous libels which threatened to overwhelm the country. And by whom was that message brought down? That message was brought down by a person most infelicitously selected, a man of great genius, of extensive learning, of powerful grasp of mind, but not very remarkable for his attachment to religion, or for any great delicacy on the score of writings directed against religious belief,—that message was brought down to the House by Mr. Secretary St. John. This they were told by Swift, that parricide who endeavoured to destroy that very press to which he owed so much, to which he owed all his fame, and at that very moment all his preferment. But what did he tell them further? That this iniquitous measure entirely failed; for those who were the friends of faction contributed money to the persons whom they employed, which enabled them to support the tax, and to publish as usual; while those who meant honestly, who were engaged by no party, could not procure the means of carrying on their business under the new regulation. The act therefore had a very different effect from that which was intended. But to pass to the most important clause in the bill, that which called for securities from printers and publishers. The noble lord said that it was not a restriction on the liberty of the press, but on the capital employed in printing and publishing. For his own part, he could not succeed in comprehending this distinction. He had always thought that the liberty of printing and the liberty of the press were one and the same; that the terms were perfectly synonymous. The noble lord's authority might be convincing to some; but he was confirmed in his own opinion when he recollected, that one of the most able pieces ever written on this subject, the production of one of the greatest geniuses this country or the world ever saw, was entitled "A Discourse on the Liberty of Unlicensed Printing;" the author, John Milton. It was most clear, that authors would not be very likely to flourish, if printers and publishers were obliged to find heavy securities. They had often heard of obscure young men, possessed, however, of great abilities, rising by the exertion of their genius, from the level of ordinary life to those high situations which, it was the glory of the constitution of this country, were open to all. These restrictive measures would act as a barrier against their advancement. But the noble lord, who was born to rank and affluence—who had no necessity to struggle for honours and emoluments, and who had no opportunity of appreciating the obstacles by which obscure genius was encountered, argued, that young men of talent would find no difficulty under this new act in arriving at fortune and fame by the exercise of their abilities. His hon. friend (the member for Westminster) had described so truly, so ably, the situation of an humble individual struggling under the operation of such a measure as this, and endeavouring to free himself from the trammels thus imposed on him, that he (sir J. Mackintosh) was almost ashamed to add one word to what his hon. friend had said on the subject, but he could not avoid it altogether. The noble lord observed, that if the works of a young man were not libellous, or blasphemous, or seditious, he need not fear to get a person to print and publish them. But what were they talking of? What did the bill particularly refer to? Not to single works, but to periodical publications. And he would ask any lawyer, who understood the practice of the courts, who had marked the undefined, and he would add almost undefinable nature of this offence,

whether a prudent man would feel himself justified in becoming security for one who was every day liable to commit an inadvertent error. Would a prudent individual grant his security to an ardent-minded young man, however virtuous, however well-intentioned, who, he knew would be every day approaching the barrier of the press, and who, if he had spirit (and if he had it not, he would not be worth talking about), would be very apt, at one time or other, to overleap that barrier? When an individual, thus situated, approached his friend, and asked him for this delicate proof of his esteem, would not his friend be inclined to say, "I know you are honourably minded, I know you are a most excellent young man, but I will not become answerable for errors you may innocently commit." He would ask of gentlemen, whether there ever was a writer on passing politics—a writer of mind and feeling—who did not, at some time or other, fall into the offence of libel, and subject himself to the visitation of the law? He knew that sycophants—men of weak capacities—individuals destitute of the fire of genius, who could dress common-place sentiments in smooth language; these he knew, dealing in fulsome trash, might avoid libellous matter. But a man of bold mind, imbued with an ardent love of freedom, reared up in principles of veneration for the constitution, glowing with an honest desire for the welfare of his country, it would be impossible for such a man sitting down to write in defence of that constitution or of that country, to avoid the fearless and animated style which such a theme inspired in such a breast; and by which he might suddenly be subjected to a legal process. He understood the noble lord to say, that this was a law intended merely to restrain an evil: it was indeed a check wholly restraining the efforts of genius, or, at all events, every unprejudiced mind must allow that it would tend greatly to lessen that number of young and intelligent men who wished to take that particular road to distinction: who wished by that particular pursuit to serve the interest of their country. On the other hand, those who did engage in that species of literary career, loaded as it would be by the shackles imposed on it by this bill, and above all, affected by the fear of bringing their friends into danger, would, when they found themselves ineffective opponents—when they found they could not espouse with fame that line of politics to which they were attached, at last degenerate into parasites; for in all arbitrary governments a system of parasitism prevailed. Where men could not write and act boldly, they became mean, timid, and subservient. The pompous inflated style of those flatterers was sometimes called the Asiatic style, but it should be denominated the despotic style: for wherever a despotism prevailed, there also this style prevailed. The fact was, the mind of man was generally in a state of activity and excitement, and if it could not be allowed to vent itself against those who misgoverned, it wrought itself into a sudden state of sympathy and even affection for what it was not allowed to hate. Those who were not permitted to write that which was fact, whom the arm of power prevented from following the bent of their inclination, frequently became the sycophants of those whom they had before detested. Wearied with the repose and lethargy of despotism, they worked themselves up into something like exertion; and flew from dulness to hyperbole. Flattery was the natural resource of human beings under such circumstances; and the worst of it was, that the flattery was not always insincere. The very sincerity of the mind stamped it with baseness. The noble lord argued that this bill did not trench on the liberty of the press, but merely affected the freedom of the trade of printing. How could the noble lord separate them? They could not be disunited. That was the road the author was travelling in search of fame and fortune, and if it were barred against him, how was it possible that he could succeed? It was the printer and the publisher who placed him before the world, and to deprive him of their aid, was, in effect, to destroy the ability of the author himself. But it was said that the measure would affect only seditious and blasphemous libels. How, he would ask, did the noble lord distinguish them? Men of learning frequently found it extremely difficult, and the uneducated were not likely to discover the difference. The hardship of this bill was well illustrated by a case which had been stated to the House; it was that of a poor and indigent person who set up trade the other day in a very humble line, and who, if unable to procure the required recognizances, would be totally undone. This individual was, when he entered into

business, in the situation of many other persons who from very humble beginnings, as publishers, had finally arrived at the highest condition in life. He understood from those who had the opportunity of judging correctly, that the effect of this measure requiring recognizances would be to drive 1-6th of the printers and publishers in London and its environs out of employment. "But," said the noble lord, "they will immediately turn journeymen." This would certainly be a very sudden conversion of one rank of men into another. Now let the House mark what real misery was described in that light language: at what time would they become journeymen? When employment was taken away from them, when their means of subsistence were destroyed. Thus in a moment they would be deprived of the prospect which they had previously cherished of arriving, by an exertion of industry, at an eminent station in society. This information came from the principal booksellers and printers in the city of London—men who professed as great an attachment to the liberty, honour, and prosperity of their country, as any set of individuals, be they who they might. They were men of large fortunes honourably obtained in trade, and they were wholly disinterested as to this question. They were anxious to assist young men who were struggling to emerge from poverty, and who were pursuing that path of fair ambition which the operation of this bill would shut against them for ever. He heard last year with infinite pleasure, the becoming language of an hon. baronet when introducing a bill for the protection of children in cotton-manufactories: he observed, "that nothing could be a more proper return to those by whose exertions he had realized his fortune, than to minister to their conveniences and comfort." On the same principles the booksellers and printers of London appeared before the House, and asked of them to spare those rising tradesmen whom this bill threatened with ruin, and who, if it passed, but for the assistance of the workhouse, must be deprived of shelter and sustenance. Many of those respectable men who thus solicited them, had emerged from the same lowly condition, and, now that they were blessed with affluence, they had more good sense than not to prize their having so risen by their own efforts, more than if they could boast of an illustrious descent. This bill was a restraint on discussion, through the medium of the press, and every restraint of that kind was a restraint of public liberty. The question then turned to this. Ought this restraint not at least to be made a temporary one? Was there any reason for giving it a permanent duration? He was persuaded, that his hon. and learned friend would not adhere to the particular term which he had stated in his clause, if any disposition appeared in the House to alter the term, but still to render the bill of temporary duration. He was sure his hon. and learned friend would be satisfied, if the measure were to do any thing except permanently to restrain the English press. Let the House recollect these words. Let them pause and consider them; let them reflect on their meaning and purport: "a permanent restraint of the liberty of the English press." That was the object of the measure then before the House. Were gentlemen prepared, without farther consideration, to consent to such a bill, which could not be necessary for the mere purposes that had been stated? Let them take it on one or two grounds—that relative to the restraint of printing, or that which respected the security of the public peace. Let them argue it in the first point of view; let them consider the measure as intended to be an improvement of the laws relative to the press, for so the noble lord had described it; but when he stated, that under the existing system there was an evasion of the law, that there was no mode of collecting fines, the noble lord went a great deal too far. Had the noble lord forgotten, that the law, as it now stood, had other punishments besides fines? Did he not recollect, that when the offending party had no property out of which a fine could be paid, the penalty of imprisonment was increased in proportion? He need not state the old saws of the law on this point, which said the same thing in Latin. In its present state the press had remained without a licenser from the year 1694 to the present hour. In that long period there were many times of danger and difficulty, but a permanent measure like this was not resorted to. He would not argue whether the bill would now press heavily upon the people, but whether it was necessary that it should be permanently directed against the liberties of the people. Speaking in that House, he would maintain that it was directly opposed to popular freedom, and he

viewed in the same light every measure which abridged the liberty of the press. If it were intended to be an improvement to the constitution would it not be better to adopt it for a little time, that they might be enabled to judge of its effects? If any alteration were proposed in the government—if any improvement were offered to be made even in a public office, they would be told "Let us see for some time how the project acts, let us see how it works, before we make a permanent law on the subject." The act of lord Grenville, which effected one of the greatest and best reforms that were ever made in the state—that act which went to destroy a scandalous system of corruption, was at first only temporary. Its effects were known before it was adopted as a permanent measure. Had the House of Commons so little regard for "The Liberty of the Press" that they would not proceed with the same forbearance towards that great right which had made us renowned amongst the nations, which was eulogized by all foreigners, and which, not satisfied with praising, they now endeavoured to imitate? Would they show less caution, would they show less gradual care, in adopting such a measure as that before the House, than they had manifested with respect to lord Grenville's act—a measure of great importance surely, but not so essential to our freedom, not of such vital importance to us (to use a modern phrase) as the liberty of the press? He recollected the debate in that House in 1795, under circumstances similar to the present; he recollected the speeches of Mr. Fox and of sir William Grant (two of the greatest and most enlightened men in the country) on that occasion; and he well recollected the manner in which the last named individual opened his defence of the measure which was about to be proposed. He (sir W. Grant) said nothing of an improvement of the constitution. "I propose these measures," said he, "under the pressure of a sad and dire necessity, which has left us no choice but to abandon the whole frame of society, or to take away rights of infinite importance." That great man stationed himself on the ground, of "dire necessity," and, in doing so, displayed all the prudence and wisdom, and foresight, which were inseparable from every step of his life. The noble lord, though he had put forward the idea of a general improvement of the constitution, betrayed a consciousness throughout the whole of his speech, that the measure was only called for by the exigency of the present moment. Why, then, should it be of longer duration than others which arose from the same state of things? One of the other bills, the Seditious Meetings bill, was enacted in 1795, and therefore they were acquainted with its operation. But since the licenser was removed from the press, they knew of no restriction on printing. The bill was unexampled and unprecedented. Nothing like it or approaching to it was to be found in the good times of our history, when the press was unfettered and free. It affected one of the most essential privileges of Englishmen; that of discussing public measures. Was it, then, too much under these circumstances, to beseech the House to influence the noble lord by some manifestation of feeling, to consent that this should be a temporary measure? The noble lord had shown singular propriety in giving way to the House with respect to the provisions of one of those measures; let him then consider the present bill as a mere experiment on the constitution, or else as a temporary measure to expire at a given period. He had heard with some surprise, an hon. gentlemen some nights ago assert, that the liberty of the press formed no part of the Bill of Rights. This was calculated to disparage that bill, to lower it in the estimation of the country, and would have been well worthy of those who wished to make the people think that it was not a Bill of Rights, but a bill of wrongs. He was much surprised that such an assertion should have fallen from an hon. gentleman who was intimately acquainted with the constitution of his own country, and was the historian of another great and free state. He was indeed astonished, that a gentleman who was so deeply versed in the history of the constitution in every part and particular, who had written a history of a powerful and independent republic, who had passed a great part of his life in studying the laws, should have forgotten the circumstances connected with the Bill of Rights.—The Bill of Rights was not only a declaratory law, but was connected with many others containing the most important enactments. He would show how the liberty of the press had a connexion with the Bill of Rights. At the time of the Revolution, a committee was

appointed, lord Somers being of the number, to consider of the best securities for the religion, laws, and liberties, of the people of England—the religion, laws, and liberties which the people of England had ever since supported against the machinations of fraud, and the efforts of violence. The committee brought in a very voluminous report, containing many heads and articles. Parliament divided those which related to new laws from those that were declaratory of ancient rights; every declaratory clause in the Bill of Rights referred to something mentioned in the preamble as having been perpetrated by the deposed king against the rights of the people. There were other laws passed in king William's reign; the Toleration act—that Magna Charta of religious liberty, which was founded on one of those articles, but which fell far short of what the benevolent and enlightened mind of William had meditated.—Another of those articles declared the necessity of the frequent meeting of parliament. Out of that article the Triennial act arose, and therefore it was identified with the Bill of Rights and the constitution. Undoubtedly the government of king William (which he kept up by every sort of compromise, sometimes with one party, and sometimes with another, who agreed in nothing so much as harassing and persecuting their benefactor, whose name had since been degraded by the enemies of freedom), was not so compact and united as it ought to have been. The king abandoned and left his government to the care of his ministers, anxious to perfect and complete the great design which he had long meditated—the deliverance of Europe from a single despot, an event which was not accomplished until after his death, when that great captain,—the duke of Marlborough, carried into execution all that William had designed. The laws which he had adverted to were still to be considered as glorious measures emanating from the Revolution. Of the same character was the refusal to continue the Licensing act of Charles the 2nd, by which refusal the liberty of the press was established. The liberty of the press was, therefore, the offspring of the Bill of Rights, and arose from the spirit of the Revolution, which, in the sacredness of its character and all the elements of greatness, was one of the most interesting and important transactions in the history of the state; as well as one which most merited the attention and admiration of mankind.

Mr. *Canning* congratulated the House on having at length heard, in the long-expected, and not too much to be admired, speech of his hon. and learned friend, those reasons against the system of measures proposed by his majesty's government, which up to that period had not, he thought, been fully stated to the House. In many, perhaps most of the general principles laid down and enforced by his hon. and learned friend, he entirely concurred. But he thought the whole scope of his argument would go, not merely to the present measures, but to any possible restraint by which the complete and unfettered freedom of the press might be affected. Yet even in that principle, as a principle he was not inclined to differ from his hon. and learned friend; for he thought with respect to the press as with every other part of human freedom, that it was a matter of regret when the legislature was forced to interfere. It certainly was a matter of great regret, when to existing restraints, they were obliged to add others not hitherto enacted; and he considered that the justification of the original, or the augmented restraint, was only to be found in the necessity, or high expediency of the case—not in the value of the rights of any set of individuals, but by a comparison of their rights, with the rights and interests of the community of which they were members. It was one great beauty of the English law, that about small things it did not trouble itself. Much was left to the good sense and discretion of the community, and it was only when that good sense was overborne or laid aside, that legislation stepped in, for the purpose of securing those good manners and good morals which formed the cement of society. It undoubtedly was more desirable that they should be secured without positive enactments, but positive enactments were frequently absolutely necessary. His hon. and learned friend seemed to have adopted the idea, that up to this moment the press was that "chartered libertine," which it had been so eloquently described to be; and that this was the first time that parliament had touched the press; as if it did not live under restraints, which showed the impossibility of ascribing that principle of perfectibility to it which his hon. and learned friend had assumed. Whether it was or was not necessary to impose a new

modification on the liberty of the press, certain it was that in looking back to former times, they would find precedents sufficient for such a proceeding. He well recollected the conflict of intellect (and a similar conflict he never expected to see again) which was witnessed in the House of Commons in 1794-5. His hon. and learned friend, in adverting to that period, had overlooked the circumstances of the very last restraint which was imposed on the press. When his hon. and learned friend said, that these measures must operate to the entire destruction of the freedom of the press—that there would be an end to discussion—that men of talent and education would be reduced to complete silence as soon as they were passed, he forgot that the same prophecy, uttered in the same style, was pronounced at the period to which he had adverted. The prophecy did not indeed come from his hon. and learned friend, who was not then in the House, nor yet from the Whigs, whom his learned friend had accused him (Mr. Canning) of reproaching (of whom, indeed, he spoke with less respect as a corporation, than he did in their individual capacity), because they had seceded from their duty; but from a right hon. gentleman opposite, who did persevere in his attendance on parliament. The act which gave rise to this prophecy provided, that presses should be registered; that no person should publish any thing without the printer's name, and that every printer should keep a copy of what he printed. These laws, then introduced, were made permanent laws, of which it was predicated, that if they were passed, they would be equal to an *imprimatur*, and that the liberty of discussion would be destroyed for ever: yet these laws were passed, and he would ask of all those within the walls, and of every man without them, to whom what passed in that House was conveyed, whether the permanency of those laws had tended to narrow the freedom of discussion; or whether, since they had been enacted, one particle of the liberty of the press had been abridged? His hon. and learned friend's present apprehensions were just as visionary as were the fears which existed at the period to which he had adverted. He had no doubt (and it was because he had no doubt that he willingly agreed to those measures), that when they were passed, notwithstanding all that was said of the danger with which they threatened free discussion, there would not be any want of a full canvass that day twelvemonth, of the measures of government, or of parliament. And if it became more respectable and efficient by being rid of that extraneous matter by which it was at present incumbered and polluted, he believed, instead of losing any thing of strength or power, the free press of this country, as applied to honest purposes, would have greatly gained. His hon. and learned friend seemed to forget, that the object of these measures was, to come at the person really accountable for any writing that might be published. He had drawn from his rich and fervid fancy, an animated picture of a young man wishing to raise himself into public notice by literary efforts (as was his own case, and that of his hon. and learned friend), possessing great talents, looking ardently forward to a career of literary glory, and stopped in the very outset of his efforts by this law. His hon. and learned friend was not borne out in delineating this picture. If he looked to those names which flourished in the annals of British literature, he would not find printers and publishers enrolled there, but authors who were dependent on them. They might indeed be found quarrelling, struggling, and estuating under the tyranny of those persons; but his hon. and learned friend could not easily show him a man of that ardent and enthusiastic character which he had supposed his hero to be, anxiously looking at the gain attending practical publications. This measure was not intended, it was not calculated, to throw any obstructions in the way of genius, but it was to restrain offences which arose from mere pecuniary considerations, and which could most appropriately be prevented only by means of pecuniary consideration. In speaking to that part of the question, it was not fair in his hon. and learned friend to excite and interest the feelings, by representing a person arrayed in all the splendid colours which the richness of his own fancy could supply; it was not fair to impose upon their judgments by exhibiting before them an ideal representation, dressed up in all the colours of the rainbow. If the young author should be free from the influence of pecuniary motives, this law would not be applicable to him, and all the interest excited in his behalf was not available to the present question. He begged to say, that in stating the sentiments of young

authors respecting printers and booksellers, he did not adopt them as his own. There were not more respectable persons in the world than those who presided over the press of England. Whatever might be said of those times when literature and bookselling stood to each other more in the relation of market and sale, now that they were not distinct and separate, now that they were united, there were not to be found in the world persons so generous, so noble, so liberal to the young aspirant, as the booksellers of this country. On that score, as well as on others, he would throw no obstruction or impediment in the way of publication; and he as well as his noble friend had accordingly removed from this bill every thing which in their judgment could be removed without impairing its utility and efficacy. What inconveniences still remained, must be classed among the unavoidable inconveniences of the times; and traced, not to an unnecessary pruriency of legislation, but to the diffusion of an evil, with respect to the magnitude and malignity of which there was but one opinion in that House, and with respect to the expediency of checking or not checking of which there was no more question than there could be whether one who had the power should take his stand between the living and the dead, and stop the plague. If a few inconveniencies should exist, if the interests of some persons should be partially injured, if certain difficulties should be presented to those who were now on the threshold of their career, men would soon adjust to the new state of things, their hopes and fears, their plans and exertions; they would gradually obviate all the inconveniencies, and leave only to be contemplated in this measure, an additional security to the peace and prosperity of the country, which would enable them to proceed without impediment and with additional confidence. Of all the amendments that could possibly be offered, the present amendment for making the measure temporary was the one to which he was least disposed to accede. There was or there was not ground for passing this measure. If it was proved to be necessary, there could be no reason to believe that it would in a short time cease to be necessary. On the contrary, the venom accumulating till the expiration of this law should arrive, would then be diffused with increased activity and effect. The general character of the press ought to be rescued permanently from the blots which tarnished its beauty and its force. Then would it proceed as it before had proceeded, rendering most essential services to the country, to the cause of freedom, to the happiness of the world. His hon. and learned friend had not mixed up much of his argument with the consideration of the other bill on the table (the Libel bill), but as he had not been able altogether to separate two questions so closely connected, it perhaps would be for the convenience of the House if the little he (Mr. C.) had to say (for though the bill was important, the provisions were but few, and would not require many observations), he said on the present occasion. The hon. gentlemen opposite had somewhat lowered, and justly lowered the tone of their opposition to that bill—and he knew it would be stated, and truly, that the change in tone proceeded from the concession which had been made by commuting the punishment of transportation for that of banishment. With respect to that commutation, it was the more gratifying to his personal feelings, that it had been conceded to the request of that very respectable body of men, the booksellers of the metropolis. Another petition had since been presented from them, but he hoped that having received this concession to their first application, they would not think it hard if their second application was not received with equal favour. The grievances stated so ably, and with so much distinctness and discrimination in the first application, no longer existed as an objection to the measure in question. If parliament were now legislating for the first time against a crime destructive of the institutions of the country; if they were now to select the punishment which would deter others from following the criminal example, and warn the offender from the repetition of his offence, that punishment was the one which removed from the country and the society which he disturbed, him who, after having offended and received punishment, showed a disposition so rooted in his nature, as to return to the same course. What punishment so appropriate, as to oblige him to abjure the realm whose peace and happiness he had repeatedly invaded and endangered? If this punishment had been so unknown in our history as it was asserted, but not proved, to be; if it had been as new as this act; if it had never existed before; if they were called

upon for the first time to assign a punishment for this indefinite, and, if he might not be mistaken he would use the expression more noble offence (for all political offences were of a higher and nobler order than mere larceny); if they were to enact some punishment which would save the country from the perils occasioned by the offences, and remove the offender from the sphere of offending,—the punishment of banishment, if not already invented, ought to be found out for the purpose. His hon. and learned friend, as well as many other hon. members, had said, that this measure would leave the press in a worse state than at any period since the revolution. But it was not considered that the state of the press had since that time been greatly improved and elevated. It was not above three or four years since the punishment of the pillory was abolished. Up to that very late period a power was in the breast of the judge to apply that punishment to the crime of libel. Did he regret the alteration thus made in the law? No. He would not refer to his vote upon that subject, for that was nothing; the punishment having been abolished by acclamation. But if it had been then proposed to substitute banishment on a second conviction for the pillory, in all cases, would any rational man have denied that the law would be made better by the change? If this had been the only alternative, would the House have hesitated to adopt it? The pillory was at all times in the discretion of the judge; banishment would be in his discretion only on a second offence. The pillory had been most happily abolished, as it was a most degrading and infamous punishment—a punishment holding up men of letters and education to the gaze and insults of the populace. Be it recollected, too, that this punishment had been applied in modern times. The press had therefore gained a higher rank than it held before. He would go as far as any man in separating the respectable part of the press from those who were hostile, not only to the present government, but to all government. But it was one of the necessary evils of the aggregation of society, that justice could not strike its victim, without in some degree alarming or dispersing the herd among which it sheltered itself. It was no disgrace to the more noble animals, that those who associated with them but to degrade them were singled from amongst them; but the House could not have shown itself equal to meet actual danger, and suppress menaced rebellion, unless it put down the principles which agitated the country, and which wanted only courage in the advocates of them to display themselves in open rebellion. An hon. and learned gentleman had said that the government had already done enough, that the measures already passed were sufficient, and that parliament should beware of driving the people to despair. Good God! drive the people to despair! of all—not fallacies, for fallacies implied a use, though a perverted use, of the reasoning faculties,—but of all the vulgarisms that could disgrace discussion, of all the abuses of terms which could be committed, the misuse of the word "people" was the worst. What was the meaning of the word "people?" The people, as synonimous to a nation, meant a great community, congregated under a head, united in the same system of civil polity for mutual aid and mutual protection, respecting and maintaining various orders and ranks, and not only allowing the fair and just gradations of society, but absolutely built upon them. That was a "people." But in a mass of persons, first stript of the government, then stript of the aristocracy, then stript of the clergy, then stript of the magistracy, then stript of its landed proprietors, then stript of its lawyers, then stript of its learning, then stript of every thing which ornamented and dignified human nature—in such a mass he could no more recognize the people, than he could recognize in the tub of Diogenes the man of Plato. A mere populace, deprived of every thing essential to what by common consent was called a nation, could not, without the grossest perversion of terms, be called a nation. But when the term "people" was applied to a portion of a community arrayed against the interests of the nation; not only distinct from, but hostile to the nation; when the term was applied to such as these, it tended directly to encourage insurrection and rebellion. He was sorry therefore to hear an hon. and learned gentleman of so much eminence, give into the use of so vulgar an application of language, and insinuate that these were two hostile parties—the government, endeavouring to appropriate a certain portion of the constitution, and the people praying to be allowed to retain their rights. The hon. and learned gen-

tleman had expatiated on the claims of a portion of the people, while he had left out of view that part of the people without the security of which there could be no order, no safety, no happiness. On their behalf, who were last in the fair arrangement of society, the hon. and learned gentleman had been more solicitous than on that of all the other orders of the state. But in behalf of all the other orders of the state, and on behalf of the last order too, he (Mr. Canning) implored the House to quench, not as a temporary experiment, but with eternal and lasting indignation, the accursed torch of discord which was blazing or smothering throughout the country. He earnestly deprecated the notion of treating this evil as lightly as an excise bill or a custom-house regulation; and he trusted that parliament would not give the authors of the tremendous metaphysics, so unfortunately prevalent, the hope that any hesitation existed on the subject; but that, on the contrary, they would at once enact a measure that would save what was respectable, annihilate what threatened destruction to all order and security, and thus prevent at the same time the present continuance and the future repetition of the evil which called for their interposition.

Mr. *Denman*, in explanation, disclaimed any such confined and partial use of the term "people" as had been imputed to him by the right hon. gentleman. The people for whom he had addressed the House, and on whose behalf he had implored consideration and protection, were a part of the nation, born and nurtured under the constitution, and inheriting a right to its liberties and laws. The measures now under consideration would annihilate their rights. When this bill should pass into a law, the liberty of England would no longer exist.

Mr. *Brougham* remarked, that the right honourable gentleman having found the speech of his hon. and learned friend, to which he had professed his intention of replying if not unanswerable, rather dangerous to approach, had, by a species of tactics not unusual with him, flown off from it to other topics, and fastened upon a casual expression used by another hon. and learned friend of his, but not meant in the sense attached to it by the right honourable gentleman. Yet to this casual expression the splendid part of the right hon. gentleman's speech exclusively applied.—The right hon. gentleman had first asked what the consequences were of the measure passed in 1799, of which the same consequences had been predicted as were now predicted of this measure. He had told the House, that it had been said at that time that the constitution of England was gone, that the liberties of England were at an end, and that the people were all slaves. The House would judge of the accuracy of the right honourable gentleman's report of what had taken place in 1799, from his report of what took place in 1819, when he put, and put not unwarily, into the mouth of his hon. and learned friend what his hon. and learned friend had neither said nor meant. There was not a more common way of triumphing in argument, than by exaggerating the argument opposed to you. On his side of the House they were not so bad logicians as to cut the ground from under them by exaggeration. A bill was passed in 1799, not to be named in the same day as to degree, nor even to be placed in the same rank as to manner, with the present bills, but which contained a considerable innovation on the law (which if he had been a member of the House he would have opposed) by compelling in all cases printers to furnish evidence against themselves. They were compelled to enrol their names at the Stamp office, to keep a copy of every paper they printed, so that there was never a difficulty in getting evidence of the writer, or the person who was responsible for the writer, of every libel in such papers. It was however, on the efficiency of these measures that he in great part relied as an argument against the present bills. Was it nothing that such an act as that of 1799 had passed? Had it armed the government with no power? Because that bill had been passed, was it not a strange argument to maintain that the important powers thus granted to the government, formed a reason for passing another measure carrying to excess in degree the principle of the former act, and introducing besides a new principle in the legislation of the country? The right honourable gentleman had said that the bill would not touch the sound part of the press; but this allegation he had by no means supported by argument. Men of genius were too often as pennyless as they were friendless, and and every eminent writer must at first be unknown and untried. Now, how could it be supposed that any man of common prudence would for the sake of a friendless

and pennyless writer, subject himself to a security of 300*l.*; or, if the publisher were different from the printer, for 600*l*?—Would any man of prudence subject himself to such a risk, without any security for the prudence or the solvency of the untried writer? The booksellers who crowded the table with their petitions, declared they would not. But the right honourable gentleman said, that this difficulty could easily be got over. If so, he asked, how was it to be got over? It was said that the security of a friend would operate as a caution to the writer; but where was the writer to find the friend? The right honourable gentleman then told them, that the offender must be struck, although the multitude of nobler animals with whom he associated should be scattered. But this was the very reason why he opposed the measure. If the present law were enforced, it would be seen that it possessed full power to separate the innocent from the guilty. If it did not possess that power, let the failure be proved, at least let some instance of that failure be pointed out. When the failure of all other measures had been proved, then would be the time to propose a measure which would involve the innocent and the guilty, the noble and the ignoble in the same punishment. They had been told in the course of this discussion that it was to the tendency of the actions of men, and not to their motives that they must look; that the intention was evidenced by the tendency, and that they should not inquire further. In the case of the verdicts, for instance, on the trials of Mr. Hone, an hon. and learned gentleman had risen in the House, and said that God forbid he should impute any bad motive to those juries, but that the tendency of their acts was to sap the foundations of our religious establishments. Then again, as to the subscribers for Mr. Hone after his acquittal (though, by-the-by, he was all along spoken of as if he had been convicted), they were spoken of in the same manner as the juries, being as much bepraised and as severely censured [a laugh.] Their motive it was said, no doubt, was charity —a thing almost as sacred as the verdict of a jury, but the tendency of their act was most mischievous. In the same manner he should consider the conduct of the ministers; their conduct, with respect to the press had been most pernicious in its tendency, though God forbid he should say any thing of their motives. But if, as he should be able to show, the conduct of ministers had an inevitable tendency to produce the effects which were now manifest, he asked with what face they could come to parliament and ground on three years toleration of the licentiousness of the press, if not a subversion, a serious restriction of its liberty. He had already mentioned to the House some instances of the length to which the licentiousness of the press had been carried. He had been told by some, that it was incredible such things could be written in this country.—He too should have been incredulous as to the existence of such writings, but for the evidence of his eyes. In one of these productions (Sherwin's) the question of resistance was seriously discussed in a series of weekly discourses, not stating the matter as in speculation, but applying it as to the present times, and the present rulers, under the head, "The Folly of Petitioning Parliament." This was in the years 1817-18. In the course of these essays, the people were told, that unless "they awakened from the fatal delusion of petitioning parliament," unless they taught their tyrants that bayonets were not made for tyrants alone, but for the people, there was an end of the last remaining hope of liberty. The general subject was brought home, and applied by practical illustrations. He should still doubt, if he had not the evidence of his own senses, that such language could be published by an Englishman, and in the city of London. He next read an extract from the same publication, in which it was recommended to "pull down the present dynasty." On the 12th of July, 1817, a number was published which contained this expression;—"When reform (the writer had made it previously manifest, that by reform he meant revolution) shall have taken place, it will be asked why a million and a half is given to one man. (Here the writer showed his accuracy, when he said that his majesty had 1,500,000*l.*, just as a lord of the admiralty had 1,500*l.* for his private or personal expenses.) It will then be asked of what use he is, what service he performs, or whether it would not be as well if his services were dispensed with, &c." Afterwards occurred an expression that persons were "degraded by the name of subjects." Again, "Petitioning is now synonimous with patience. Government must soon expire for want of means; but ought we to wait for that period?" He begged pardon for trespassing so much

upon the patience of the House, by reading as he had done from a printed book in the absence of the hon. member for Montgomeryshire, who, if he had been present, would perhaps have made it necessary to to call the individual to the bar of the House. It was not in this publication alone, that such doctrines were to be found; there was an infernal constellation of such writers. The Cap of Liberty; The Medusa; The Gorgon; &c. and surely never were names better adapted to the things. All were not alike; the bolder tried the way, and when impunity was deemed secure by experience, others followed.—In 1817, there were but two or three; in 1819, ten or twelve had sprung up. In one, assassination was alluded to by the expression "the bountiful interposition of Providence, by the assistance of John Bellingham." In another, on the occasion of a memorable death, which he thought had united all the country in a common sorrow (that of the Princess Charlotte), the writer anticipated a disputed succession, and discussed the qualifications of monarchs. "We had," he said, "experience that a king might be a fool and an idiot; that the more unprincipled the man, the better the sovereign; that he ought to be a villain, or the monarchical establishment of England would fall off from its reputation." Another remarked, that the attorney-general had at length mustered courage to notice the writer's labours.—This was three months after the libel had been printed. Then, indeed, when the measure of the attorney-general's forbearance was full, notice was taken of this publication, and three months after that notice this display of tardy vigour was made matter of taunt by its object, who added, that he was determined to lose his life rather than that the government should continue. Then followed a libel on the private character of our venerable monarch, which so far exceeded all he had read in atrocity, that he must be spared the pain of repeating it. That was in November, 1817; and he desired to know whether the writer had ever been brought to trial? If the trial had come on, it certainly was not in any court of justice in this kingdom, for the only notice that had ever been taken of the libel was in the publication itself. On the 26th of September, 1818, a new line of attack was commenced: then appeared some observations on the administration of justice, in an article, entitled "Remarks on the murders about to take place at the Old Bailey"—alluding to the trials for forgery. The world was not left in the dark as to the writer's opinion of the judges. One of the remarks was—"The knave on the bench will not fail to say," &c.; meaning of course the chief justice, or one of the puisne judges. Yet this man was never brought to trial. It had often been said, that assassination would never be allowed to be openly advocated in this country; but the following extracts would show that it had been publickly recommended, and recommended, too, with impunity. The work of colonel Titus, in Cromwell's time, called Killing no Murder, was no bad beginning; but this which he was about to notice, and which appeared in the spring of 1818, went much farther. The writer, after remarking that he had lately met with an old book called, Killing no Murder, proceeded to apply the doctrine of colonel Titus to the men who now governed the country, pointing them out individually, by naming the offices which they respectively held. He afterwards said, "When they began their system of tyranny by suspending the Habeas Corpus act, the proper way would have been to have put them to death." Again, it was asked by this writer, "Are not any means justifiable that may put an end to such a system? and would not that man who should destroy such a government, deserve well of his country?" But he should not trouble the House with any more of these extracts. If those cheers meant that the extracts which he had already read were not to the purpose, he denied the fact; for they showed, that with these atrocious libels before them, and with the means of putting them down in their hands, those whose duty it was to suppress them had not attempted to use the existing means. If, on the other hand, it was meant by those cheers that he had read more than was sufficient to prove his position, his object was answered. As that, however, might still be doubted, he should take the liberty to read another passage, to show that assassination had been unequivocally recommended. [The hon. and learned gentleman then read a long extract, in which it was stated that taxes were unjust, and that any man who imposed them, or demanded them, whether minister, magistrate, or collector, might be justly put to death with any weapon, either dagger, sword, knife, or pitchfork.] Such was the flower that sprouted in the spring of

1818, after the libels which had been published when the leaves were falling in the preceding autumn had been allowed to pass unpunished. And what wonder that the impunity with which they had so long been permitted to transgress should have led to this result—should have induced them to recommend the assassination of the governors of the country? This it was that brought him to the same conclusion with his hon. and learned friend, that till it had been shown that the existing laws had been applied, and had been found ineffectual to put down the mischief, parliament ought not to make new laws, putting additional power into the hands of those who had made so little use of that with which they were already vested. When any one contrasted the late apathy with the rigour, amounting almost to persecution, with which at one period all liberal principles had been treated, he thought that one main cause would be discovered of the extent to which this licentiousness had of late been carried. About eight or nine years ago, a prosecution had been instituted against an individual, for publishing an article, of a character very different indeed from that of the publications to which he had just referred. Of that article, the most libellous part was the following expression:—"What a glorious example it will be in the power of the Prince Regent to set when he succeeds to the throne!" and the person first brought to trial was not the original publisher, but one who had copied it into his paper from another publication. The result was, that he was acquitted, and properly acquitted, not only in the opinion of every liberal person unconnected with the proceeding, but he might say, in the opinion of the learned judge who presided at the trial, and who summed up the evidence with a leaning to the side of the defendant. Now, he would call on any honest man, to lay his hand on his heart and say, whether he believed that any course could be pursued more calculated to sap the very foundation of the laws, than this unequal manner of administering justice—one day allowing treason, blasphemy, and incentives to assassination, to pass unpunished and unnoticed, and another day incurring enormous expenses by prosecuting persons who had not offended against the laws. Having said thus much on the question immediately before the House, he should not have trespassed longer on their attention, had not something been said on a former night, which had made a greater impression than almost any other circumstance that had been stated respecting the progress of blasphemy and sedition, but which he had the means of completely contradicting. He alluded to what had been said by the right hon. member for Dublin, respecting the practice of teaching blasphemy in certain schools, called Union Schools, in the north of England. Schools of that description were of such service to the community, that they ought not to be charged without sufficient reason. He believed it was the schools at Stockport and Macclesfield against which the accusation was brought; and a gentleman of great respectability, who had inquired into the matter, had furnished him with the means of showing that the accusation was perfectly groundless. This gentleman, who was as great an enemy to sedition and blasphemy as any of the hon. gentlemen opposite, had visited the schools in question, and from his letter, part of which he would read, the House might judge of the nature of those schools. The hon. and learned gentleman then read extracts from the letter, in which it was stated by the writer, that he found in the schools 25 bibles and testaments; that the primer used was Mrs. Trimmer's spelling-book (was this "the blasphemous primer?"); that the teachers were steady serious persons; that the expense of the schools was defrayed by a subscription of one penny a week for each child; that sermons were preached every Sunday; that the preachers who officiated were five in number—three Methodists and two Calvinists; that in the morning, prayers were read before any instruction, and that prayers were read in the evening before the dismissal of the boys. In short, that the whole discipline of the school was connected with prayer. Here the hon. and learned gentleman, observing some symptoms of impatience, said, he was aware that many persons liked better to listen to accusations than to the refutation of groundless charges. Those who maintained that the "intensity of light" which had burst on the people, disqualified them from enjoying liberty; those who held that education was a curse, calculated to make the people bad subjects; those who entertained such opinions were more likely to be heard than himself, from the cause which he had stated—namely, that groundless charges were lis-

tened to with more patience than the refutation of such charges. He thought it important, however, that these schools should be defended from an unfounded accusation; and he was sure that no one would rejoice at the correction more than the right hon. and learned gentleman who had been led into this error. Could it be supposed, that in these schools they were in the habit of using blasphemous primers, and that, whenever a person rapped at the door, they put them out of the way, and got Mrs. Trimmer's spelling-book ready to be exhibited? The writer of the letter before alluded to stated, that the discipline of the school was of an evangelical cast, and that meant too religious. He was not one of those who was credulous enough to believe, that in the presence of visitors nothing but the Bible and Mrs. Trimmer's Catechism was in the hands of the children, but that the moment strangers turned their back, the masters, with shut doors, taught irreligion and blasphemy. To expect the House to believe that such was the real state of the case, was to draw so unconscionably on its credulity, that in his opinion the draught would not be accepted. He believed that not one atom of treason or irreligion could be found in these schools. He should not forget to state, that they had some copy-books, containing sentiments respecting the affair at Manchester, which were not likely to be relished by persons of *ultra-tory* principles; for although there was nothing whatever of a seditious nature in them, they were expressive of opposition-politics. It ought to be observed, that the magistrates had no affidavits of the facts which they had stated respecting these schools; they had merely sent up the report on hearsay. The gentleman from whom he had received the facts which he had submitted to the House, added in his letter, that all these schools were supported by subscription, and that, as there was not one of the subscribers so high in rank as a shopkeeper, it was with the utmost difficulty they were able to support them; but that still they struggled, at the expense of their own comfort, to provide instruction, religious instruction, for their children. Yet against these persons a clamour had been raised, and they had been represented as wretches, who were not content with speaking and publishing blasphemy and sedition, but were even labouring to poison the minds of their children with those principles. Thus much he had thought it necessary to say in vindication of these schools, although the subject was not immediately connected with the question under discussion.

Mr. *Plunkett* said, that every person who had heard the hon. and learned gentleman who had just sat down, must be sensible that he owed it to himself and to the House, not to suffer the allusion which had been made to what had fallen from him on a former occasion to go unanswered. It was now nearly a month since he had taken the liberty of offering his humble sentiments on the situation of the country. At that distance of time he had made use of expressions, which, he ventured to say, had been that night most completely although he was sure not intentionally, misquoted. He would take the liberty of stating what he believed he had said, and thus the mistake which had arisen would be set right. He was first charged with having said, "that the conduct of magistrates ought not to be too critically inquired into." Now he begged permission so state, that at the time he made use of this expression, there was no appearance of an indemnity being asked for on the part of the magistrates, nor, as he was apprised, of any intention existing of screening them from the operation of the law as it affected their conduct. He conceived that their conduct was open to inquiry in the court of King's-bench, and he did say, that it was inconsistent with the dignity of the House to stop short in the task which their public duty imposed upon them, for the purpose of critically inquiring into their conduct, and for parliament to exercise a degree of criticism which could not have been exercised in a court of justice. This was what he meant to say, and what, he believed, he had said. The next charge brought against him was, that he had looked for a definition of liberty among the records of the Roman empire, and in the Justinian code. He had defined personal liberty to be *potestas faciendi quicquid leges licet;* but he had at the same time said, that there was as well as a personal a political liberty. It would have been candid in the hon. and learned gentleman to have stated, that he had made that distinction. His hon. and learned friend had brought another charge against him, which was that he had asserted, that the "intensity of light" which was thrown on the people unfitted them for the enjoyment of liberty.

Mr. *Brougham.* I did not say that you directly said so, but such an inference was deducible from your expressions.

Mr *Plunkett* resumed. He would now state what he did say on that occasion, he had said that an intensity of light (which he did not regret but rejoiced at) was thrown upon every subject for the last few years, that public curiosity, with respect to the affairs of government was excited to such a pitch, that the faculties of the great portion of the people were not sufficiently exercised to consider well and thoroughly—that therefore it was likely to lead them into error, and that it was the duty of parliament to see that good and wholesome food was administered to the minds of the people. His hon. and learned friend had said that he had charged some of the schools in England with teaching blasphemy and sedition. He admitted that he had said he believed blasphemous libels, which had been made the subject of public prosecution, had been formed into primers for the purpose of inculcating into the minds of children that description of pestilence. His hon. and learned friend had stated, that it was a mistake to say that any thing like blasphemous or seditious doctrines were taught in certain schools. But admitting the statement of his hon. and learned friend to be quite correct, would that serve to prove the fallacy of the information which he (Mr. P.) communicated to the House, upon a former evening? That information he still believed to be correct; and surely his hon. and learned friend was not prepared logically to maintain, that because he was acquainted with certain schools where no such mischievous system of education was admitted, that therefore this system was not pursued in any other schools. His hon. and learned friend's contradiction could not, indeed, be effective, unless it applied to the precise schools in which he (Mr. P.) had the best authority for stating, that instruction in blasphemy and sedition actually prevailed. But he had this evening had a letter put into his hands by a member of that House not then in his place, from which letter it appeared that the blasphemous doctrines which had of late been so widely circulated, and so justly censured, were inserted in primers, for the purpose of inoculating children in a particular school, the name of which he felt it would be indelicate to mention. The letter he should be happy to c[illegible]nunicate to his hon. and learned frie[illegible], but he did not feel that he should be j[illegible]ified in pointing out the particular school, as the individual concerned would have no opportunity of defending himself. And now having said so much as to his personal vindication, he begged leave to say a word or two with respect to the merits of the bill under consideration, which, in concurrence with the language of his right hon. friend on the other side of the House he could not conceive in any degree an infraction of the liberty of the press. In the first place, this measure did not in any degree interfere with the great standard and truly useful works which were published by the respectable booksellers: and then as to those ephemeral publications which were called newspapers, which were highly respectable, and in which facts were fully stated—in which productions were generally tolerated, as they ought to be, far beyond the line of argumentative disquisition, this measure only proposed to put other periodical publications on the same footing as those newspapers. What then, could be fairly urged against the adoption of such a measure? It was said that there was a class of publications containing ribaldry and trash which no respectable newspaper would admit, because any newspaper inserting such offal would not be read long or continue respectable; and that such publications should be tolerated for the indulgence of a certain part of the people. All that was intended was, to impose the same duty on those publications which were now sold for twopence as upon newspapers, and this he would say, that if any portion of the people required such a supply of filthy luxury—if they would have such a separate table, they must pay for the gratification of their depraved appetites. His hon. and learned friend, whose eloquence he heard with the admiration which the whole House must have felt, had deplored the fate of young literary aspirants, who he said would suffer by the operation of this measure. But how suffering was to be apprehended he could not at all imagine, and he could not help expressing his astonishment that this distinguished individual who was so worthy to be the great histo[illegible] of his country, could condescend to [illegible] with the clamour [illegible] this occasion, and [illegible] restriction of the

filth and ordure, was calculated to restrain the liberty of the press, and to injure that freedom of discussion which was the pride and glory of the constitution of England. The aspirants alluded to by his hon. and learned friend would have ample opportunity, notwithstanding this measure, to send forth their productions to the country, and therefore there could on that score be no reason to oppose the enactment of such a law. The bill was only calculated to suppress those publications which were likely to abuse rather than to maintain the liberty of the press. In the whole course of his political life he had never done any thing more satisfactory to his own mind, or which appeared to him more deserving the approbation of his country, than the part which he had taken on this and the other measures, which, with a view to the public safety, the House had lately felt it necessary to adopt.

Mr. *Tierney* thought that his right hon. and learned friend when he complained of misquotation on the part of others, ought at least to have taken care not to fall into a similar error himself. He had insinuated, that all on that side of the House objected to this bill on account of the lower class of publications which were sold for two-pence being about to be placed in point of duty upon a footing with other newspapers. He would appeal to the House whether that construction of their arguments was not incorrect. So far from objecting to this equalization of duties, they had, and more especially himself, distinctly stated that they had no sort of objection to this part of the measure. But what was most extraordinary on the part both of his right hon. and learned friend and of the right hon. gentleman opposite was, that they had totally omitted what was the real objection to this bill, and that was the clause which called upon booksellers to enter into recognizances, in London of 600*l.*, and in the country of 400*l.* If this were not a fetter upon the liberty of the press, in the name of God let the bill pass. It was no less, in fact, than saying, that whatever might be a man's talent or virtue, if he attempted to enter into this sort of speculation, he would immediately become tainted and suspected, and must find security for his good behaviour. His right hon. and learned friend and the right hon. gentleman studiously avoided the great objection to this bill, that the danger to the liberty of the press did not arise from its provisions against the seditious, but against every branch of the hitherto free press of the country. How was it that both these gentlemen never adverted to the recognizances which this bill called parties to enter into, without any previous or possible knowledge of the nature of the subject on which they were to write? How came it, that in contradiction of all former principles in the law of libel, the booksellers and publishers were now made the objects of jealousy and penalty? This was a principle not at all consistent with those sentiments which were once expressed by a noble and learned lord now in the other House, who, if, a speech of his when he was attorney-general, which was in the first person, and which he presumed from that circumstance had been reported by himself, were correct, distinctly stated, that his object was, to get at the libeller, and not at the publisher. Allusion had been made by a right hon. gentleman to his own sentiments on this subject; he was sure (although he never corrected a speech of his delivered in that House in his life, at the same time that he had to acknowledge the extreme but unmerited accuracy with which what he had said had been reported), that no sentiment of his could be found at variance with the opinions which he had expressed on the present occasion. [The right hon. gentleman was now making some reference to the Whig opinions of his right hon. and learned friend, which he regretted had not been given more Whiggishly, when he was seized with a sudden indisposition, which for some time deprived him of utterance. Having partially recovered, he proceeded.] He hoped the House would excuse him. He was entirely exhausted. Indeed he felt unequal to the task of addressing them when he rose. But were it the last time that he should ever be allowed to speak in that House, he was most solicitous to avail himself of it to record his protest against the system of measures now pursuing. He believed it in his conscience to be wholly ineffectual to its proposed object, while he feared it would be most prejudicial to the liberties of the people. He conjured the noble lord to make the present bill one of experiment. He conjured him to consent to its limitation to one year. If its advantages should be illustrated by the result, the noble lord might then with good reason call upon parliament to prolong it. If,

as he believed it would, it should prove injurious, the noble lord would then have the opportunity, as he had no doubt he would have the inclination, to relieve the country from its operation.

The *Attorney General* defended the law officers of the Crown from the charge preferred against them by an hon. and learned gentleman of having neglected their duty by permitting the most atrocious libellers to escape unprosecuted.

Mr. *Brougham* was explaining, when he was called to order. If the House thought him not entitled to explain, he would make a motion—it was indifferent to him.

Mr. *Martin* rose to order. If the hon. and learned gentleman intended to frighten the House——

The *Speaker* observed, that any hon. member in calling another to order, should be careful not to commit disorder himself. It was customary to allow hon. members to explain; but as it was matter of courtesy, the privilege ought to be used moderately.

Lord *A. Hamilton* supported his hon. friend's motion.

The House then divided: For the clause, 47; Against it, 182: Majority, 135.

The Bill was then passed.

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## HOUSE OF COMMONS.

*Thursday, December 23.*

BLASPHEMOUS LIBEL BILL.] On the motion of Lord Castlereagh, that the House do resolve itself into a Committee on this bill,

Mr. *Bernal* said, that his feeling of duty upon this subject was too strong to allow the present motion to be carried without entering his earnest protest against a measure which he conceived of the most noxious and dangerous character. This was, indeed, in his view, one of the most odious of the coercive measures which ministers had thought proper to obtrude upon parliament, with a view to reduce the liberties of the people. But there was one clause in this bill which he deemed peculiarly abhorrent to the genuine spirit of the English law, and to the liberal feelings of the English people. He meant that which authorised banishment. For a period of 200 years banishment was unknown to our law, except in *ex post facto* acts of parliament for the punishment of great state delinquents. Abjuration, which in ancient days was tantamount with banishment, was, with the sanctuary, repealed in the reign of James 1st, both being considered as inconsistent with the principle of the general code. By the 39th of Elizabeth it was enacted, that certain rogues and vagabonds who infested the country in the garb of sailors and soldiers should be sent out of the country, and this enactment was said to suggest the idea of the law of transportation which was passed in the reign of Charles 2nd. But neither of those laws were ever meant to apply to such persons as the present bill had in view. There was what was called a civil as well as a natural death. The former was conceived to take place when a man was ousted from his country and all its civil rights. Now, he would put it to the Crown lawyers, whether it was meant that such should be the consequence of banishment under this bill; or whether, as allegiance was only a condition for protection, a man banished, and consequently deprived of protection, owed any allegiance to the British government? He would also ask, could the children of a man so banished, and born abroad, be entitled to claim as British subjects? Was it intended that forfeiture of property should follow from such banishment? But how was the expense attending the banishment of a man to be defrayed? If wealthy, he could of course pay that expense himself, but if poor, who was to pay? Again, if all the world should be at war, as was the case some time ago, where was the banished man to be sent? These were among the questions to which this measure naturally gave birth; but as to the difficulties which he had stated with regard to the legal consequences of such a proceeding, he called upon the Crown lawyers to solve these problems, in order that the House might thoroughly understand upon what it was about to legislate.

Mr. *Denman* felt it to be perfectly impossible that he should allow the Speaker to quit the chair, without taking the opportunity of warmly protesting against the enactments of this bill. He should cautiously abstain from looking at it, in any observations he might offer to the House, except upon those general principles by which it was connected with the other bills. The grounds, then, upon which he objected to it were virtually the same as those upon which he had proceeded on a former night, with respect to measures effecting the press; and they were resolved into this one, namely—that the

necessity of altering the existing laws, so far from being confirmed, was completely disproved by the papers upon the table. It did not appear to him necessary to impute, nor did he himself impute, to his hon. and learned friends opposite, that they had, in the exercise of the important duties confided to them, exceeded the measure of those duties. On the contrary, he heard from one of them, with great pleasure, the assertion that the attorney-general had exercised the large and extensive power intrusted to him, with singular caution, humanity, and moderation [a laugh.] But this was not a question as to the conduct of the law officers of the Crown; it was a question whether this bill was likely to have the smallest effect, beyond the existing laws, in putting down those offences which were so loudly and justly complained of? Connected, however, as it was with those other bills which had been so lately before them, and looking to the general intentions of them all, he could not join in the approbation which had been extended by those hon. and learned gentlemen to the principle of these measures. If the hon. and learned gentleman intended to abstain from prosecuting those who were now under *ex officio* informations, because Mr. Hone had been acquitted, they acted as unjustly as they did in prosecuting that individual, after he had been tried twice before. He conceived that this course of proceeding was not at all justifiable. But this question merged in the really important one which he had suggested. Were the laws, as they existed, sufficient for the purpose which these bills proposed to effect? He could only, in answer, refer the House to the committals which had taken place under them, and to the severe and destructive punishments which followed those committals. He confessed it was a most laborious task to instil into the breasts of hon. gentlemen any new interest on this subject, after the anxious rapidity and restless impatience with which these measures had been hurried upon their attention. It was indeed an exhausted subject, after the observations which it had elicited from several hon. members, but most especially after the luminous and enlightened speech of his hon. and learned friend (sir J. Mackintosh), whose transcendent eloquence had been so happily exerted last night. It appeared to him, however, that it was the duty of every man who loved the independence of his country, and who respected the constitution as it was settled after the glorious revolution, if he could not excite a feeling in that House for the danger to which it was now exposed, at least to endeavour to return to that healthful state of political existence which was so essentially identified with the support of a free press. While he should consider himself guilty of the grossest vulgarism, if he was to indulge in complaints of the views with which his hon. and learned friends had framed these measures, or performed the duties imposed upon them, he did venture to assure them of this—that if three years ago he had been told, that under the present, or under any other ministers, those two hon. and learned gentlemen would be made to introduce, that they would have the bringing into the House of two such bills as those, he declared to God he should have been almost tempted to insult the man who so predicted, as throwing upon them a most unfounded imputation. He should have then said so, not as believing them to be actuated by Whig principles, or by Whig associations, but as having the same opinion of them which every intelligent man in the country had; he should have said so, under the idea that the rights of the press had become a principal and prominent part of our warm, and constitutional, and every day feelings. He could assure the hon. and learned gentlemen, that he should have warmly vindicated them from such an imputation. He should have done so out of respect to them as enlightened men, acting upon those principles which, before these measures had been propounded, he had thought every intelligent man in the kingdom possessed, with regard to the liberty of the press. It had notwithstanding been said, that these bills, so far from restricting or trespassing upon the liberty of the press, tended, in fact, to preserve it; that they only went to regulate it better by knocking off its abuses; and that the direct object of the bill before them, was, not to impose any shackles upon its operation, nor upon the efforts of wisdom or of genius, but to secure those liberties which had never been rightly understood, until the House had happened to light upon their just meaning during the present alarms. If that was really the result of the present alarms, it was certainly a very fortunate thing [Hear, and a laugh]. And it was most extraordinary, that in all the debates which had

occurred upon this subject in that House, nobody had ever before manifested the same sort of intelligence. From reign to reign, from day to day, the history of this country recorded, that the liberty of the press had received new confirmations, and new concessions: but now, at the close of the year 1819, they were to be told that these provisions, by which those who were to conduct the press in this literary country were to be liable for an offence of which they might be guilty, were a compliment to the honour and fidelity and loyalty of those persons, when the whole of the bill went to impugn them. Though he was not at all disposed to enter upon the discussion of the general question as to the freedom and rights of the press, he could not help observing, that it had most certainly been the known, the declared, the recognized, the taken-for-granted opinion of several most eminent Englishmen who had written upon the subject, that they were constitutional rights, and jealously to be guarded. Whatever had been urged against their testimony, upon the ground of altered circumstances and obsolete reasonings, those writers were no unimportant authorities; they were men of extensive erudition and profound thinking—the sages of the law—the expounders of its enactments; persons who had devoted their labours and their lives to assert and to preserve the constitution. When he heard therefore, one honourable member asserting that we were not the same people now that we were fifty years ago, he would ask if that circumstance changed the nature of things? The circumstances to which the hon. gentleman referred were accidental and temporary; but these rights were founded upon the nature of man, and could not be refused or restricted, except perhaps during a time of rebellion, when it might be necessary to close up every mouth, stifle every complaint, and restrain every right, till danger had subsided. But if the principle of these rights was true generally, why was it not so now? Was the principle of these rights just or unjust? If it was just, it must be applicable to all times and to all circumstances; but if it was unjust, a discovery had been made to-day, which put all former knowledge and opinions on the subject entirely to flight. This particular bill did introduce into our law, not merely that very great and important change to which his hon. and learned friend had just alluded—that of imposing the penalty of banishment upon a man who might be ignorant of the crime for which he was banished, or who might commit a technical crime, in fact, of which his mind, however, might be ignorant, as in the case of a book being published which he had previously directed should not be published. And here he had to complain of his hon. and learned friends on the opposite side, that when rights were to be dealt with, the ancient inheritance of Englishmen; when questions were suggested upon points of the utmost importance, and affecting the very existence of those rights; no answers were given to remove the difficulties out of which they had arisen; and no alteration was made in the committee by way of amending the bills which had excited so much reprobation from some hon. gentlemen on his side. But, besides the important change effected by the bill before them, there were other subjects in it for animadversion. They had been told in the committee, that there was no term limited to that banishment; that it might be made commensurate with the life even of the party, if the court so pleased. Now, he knew that it was not likely that courts of justice would award so immoderate a term; but he would ask, what sort of jurisdiction the House would impose upon them by that bill? He would ask, whether the judges who were called upon to pronounce sentence; whether the juries who would be called upon for their verdicts; would not feel that by finding for the second offence they would bring the character of the individual fatally to issue? They had heard, in other cases, of many similar instances which had already occurred; and it was impossible not to suppose that the same sort of interest would be excited here for the criminal party. But let them mark the dangerous power with which they would invest the judges of these offences, by referring to cases in which the same sort of power had proved to be productive of singular injustice. Would any man say that this was not true in the cases of Mr. Johnson, an eminent and well known bookseller; and of Mr. Cuthell, a bookseller also, of Middle-row, Holborn; who were both imprisoned; Mr. Johnson being confined for nine months, for publishing Gilbert Wakefield's Answer to the Bishop of Llandaff, and Mr. Cuthell being punished in the same way for selling it, which he did, thinking it a classical book,

and having always sold Mr. Wakefield's other works. Yet these two persons, as respectable as any of the hon. gentlemen who heard him, were sent to prison at the greatest risk of their healths, and with the utmost inconvenience to their families; and had they been tried under the present bill, in any court and before any judge, they would have been liable to banishment for life. It was no answer to be told that this was not likely to happen; such penalties ought not to be tolerated in any court in England; and, for his own part, he was sure the judges would reject with indignation so enormous a punishment for this offence as banishment. Banishment, he believed, notwithstanding, to be a most inefficient remedy for the evils which the bill intended to protect them against; because, from the knowledge of the cheapness of paper, and the facilities of printing abroad, it would be found much easier and safer to send the libels over here. One, indeed, came into his mind at that moment, which was written, he believed, by a noble lord, and respected the transactions which had lately occurred at Athens. It was printed in paris, by Galignani, and was now circulating in this country. No person, however, he could assure the House, would have ventured to publish it here. But they might be told, that abroad they had strong allies, that they had friends and fellow constables, as it were, who would kindly look after our interests, and would take care to watch the excesses of the press; that they had a holy alliance, or a holy brotherhood rather, who would join in fraternal and affectionate amity to put down a free press! And, indeed, upon consideration, he did not know where that free press would find a refuge, when she should be driven out of England, her native and accustomed home: nor could he tell where the unfortunate exile, who might be expatriated by this new law, could venture to repose his wandering feet [Hear, hear!]. There was a clause which had not as yet been noticed, he believed, but which appeared to him to be of a very important and objectionable character: it was that which authorized the search of private houses for the discovery of libels which might be concealed there. While he did not mean to contend that if such libels had been concealed, they should authorize the seizure of the publications, it did not follow, that because such a thing were to be wished, they were therefore to carry it into effect, and by an act of parliament to give the most enormous and unheard-of powers for that purpose. It seemed to him that this provision also would be extremely inefficient, and at the same time most unjust and reprehensible. Any concessions as to the term of transportation were not to be weighed against the objections to the bill; because it was to be remembered that those concessions had been obtained only after interviews and conferences with the noble lords. He should, therefore, look at it with severe and narrow criticism. In this feeling he must observe (he did not know whether the circumstance had struck hon. gentlemen) that this bill went to make those liable to the penalties who printed, published, or "composed" seditious libels—composed or wrote them. So that, if any one thought proper in his own closet, like Algernon Sydney, to write a tract upon the government which might be considered a libellous writing, that circumstance might give the parties acting under this bill a right to search over his private desk, for the purpose of ascertaining whether any libels could be found in it. He appealed to hon. gentlemen, whether clauses like this, which exposed a man's private house to the liability of search, were proper to be enacted? He would not now, however, enter into a detailed discussion of them; because, after the great fatigue which the House had already gone through, and of which he had had his share, he knew the difficulty which he should experience in fixing the attention of honourable gentlemen to particular positions. Of this they had had the best example in the instance of the hon. member for Dublin, who, last night, after hearing one of the most luminous and eloquent speeches from his hon. and learned friend (sir J. Mackintosh) ever delivered within the walls of that House, instead of offering any refutation to the arguments which had been advanced upon contested parts of the bill, had proceeded to discuss one or two other positions upon which all sides of the House were previously agreed. In the first clause of this bill it was enacted, that "in every case in which judgment by default shall be had against any person for composing, printing, or publishing any blasphemous or seditious libel, it shall be lawful for the judge or court to make an order for the seizure and carrying away, and detaining in safe custody, all copies

of the libel which shall be in the possession of the persons against whom such judgment shall have been had, or in the possession of any other person named in the order for his use." All this, then, must be made out to the satisfaction of the court in some way; as the order, founded upon the affidavits, was to give any person named in it the right of searching the house of a third person, without giving him the opportunity of rebutting that affidavit. The House would not fail to observe the hardship of this case. An affidavit was to be made behind a man's back upon which the court was bound to grant an order. If it were made upon these grounds were all to be equally liable to this sort of search? But supposing, on the other hand, that this provision were altered, and notice were directed to be given to the party, the libels would be diligently removed before the order could be served. So that either authors and publishers were to be reduced to the cruel risk of being betrayed by a servant, who might wish to ruin them, or an informer who might wish to curry favour with the government, or else the whole bill was ineffectual.—His next objection was, that whereas the court was to issue the order, a justice of the peace was, for some reason or other, to execute it. Now, if the court had authority to issue the order, unquestionably it was competent to the court's own officer to serve it. But if not, he could not see for what purpose the magistrate was to be made responsible for its execution. He would contend, that the punishment of banishment was totally unknown to the law of England; for as to the act of 1795, it was passed under circumstances of great, and perhaps of reasonable alarm; but of quite a contrary character to those under which the present measure was framed. In all that had been said by the solicitor-general about these securities, as connected with the freedom of the press, being only analogous to the ancient frank-pledge, he confessed he was at a loss to discover the analogy or the resemblance: and as to the other analogy (suggested by the attorney-general) between a pot-house and a free press, he could not perceive that that was established, unless it was meant that a licence was to be taken out by both in future. The enactment of the 36th of the king, to which he had alluded, was in this form: "Any one who should maliciously or advisedly," not by composing, but by speech, or any other means of exciting acts of immediate riot and disturbance, do so and so. Now, when they were told of that bill, reference to the present, let it be remembered, that it at least gave a reasonable penalty, for three years were thought enough by that act of parliament. In a measure so important and unparalleled as the present, this difference should be well observed.—There was one observation which he still considered himself bound to make regarding the principle of the bill, and that was, that it would act like an *ex post facto* law. It said, that on any second conviction, after the passing of this act, the offence of libel would be punished with banishment, at the discretion of the judge. Now, the offence might have been committed a year ago, and be only brought to trial after the passing of this act. If conviction was obtained, the offender might afterwards, on a second conviction, be liable to the penalties of the bill, and that for an offence committed before its existence. Thus any man who addressed his countrymen through the medium of the press — any member of the House for writing or publishing his thoughts or opinions, might become guilty of an offence subjecting him to banishment, without contemplating the possibility of that punishment when the offence was committed. His great objection, after all, to the measure was, the total absence of all necessity for entertaining it. He did not mean the absence of libels to be suppressed, for these had been numerous, and had disgusted every body; but the absence of any deficiency in the law to suppress them. This was a period of alarm. But the liberty of the press was not to be looked upon as fit only for seasons of calmness, as a fair-weather friend to be discarded in a storm. He might say of it what was said of literature in general, that it adorned prosperity, *secundis res ornat;* and that it was our security in times of danger, *in rebus adversis perfugium et solatium præbet.* He had said on a former night that the restrictive measures now adopted would drive the people to desperation, unless more attention were shown to their feelings. In defending their liberties, he, for one, would never consent to lower that proud tone which was held in the best times, fearing, as he did, that if the shackles at present intended for them were imposed, the effect of lowering that tone would be to perpetuate them [Hear!].

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Mr. *R. Martin* supported the bill. He would admit, as a general principle, that too great severity of punishment was not desirable. But the question naturally occurred, was the punishment beyond the guilt?—He did not think it was. Was the country to be left exposed to an inundation of blasphemous production, without taking any steps to oppose its course. No guilt could be much higher in degree, than that of the person who deliberately sent forth to the world publications calculated to corrupt the heart, to destroy every principle of religion, every source of happiness here, and of hope hereafter. This bill did not go to trench upon the just and true liberty of the press. After it passed into a law, it would be found that the press was just as unshackled as before. The freedom of the press consisted in the power of writing and publishing what it was fit and proper to write and publish, not in sending forth libels to sow disaffection, and preach up impiety. The peace of society, as well as of every individual, required that the press should be under the restraints of justice, good sense, and propriety. If there was no restraint upon the press, how easy would it be to ruin people in their fortune and reputation! A man would have nothing to do but get three or four dozen hand bills, and stick them about upon the walls. He knew a banker in Ireland that was treated in this manner. He was perfectly solvent, if he got time; but a report was circulated that he could not pay his notes. There was a run upon the bank; and the man was broke. Suppose for example sake, that any person was maliciously disposed against alderman Birch, who made such excellent patties, and hand bills were sent about saying, that they were made of young children, dug out of the grave, and minced up—would any person buy the patties? not one, even if the flesh were as white as a chicken. No one would go near the shop, and the man would be ruined in his business. The devil a patty would he sell.

Mr. *Bankes* believed that abuses of the press existed to such a degree as required the interference of parliament. He defended the clause of the bill, which authorized a search for, and seizure of publications, adjudged to be libellous. This right of search existed to a greater extent, by the act of Charles the 2nd, and during the first six years of the reign of William the 3rd. He contended, that the right of search was properly applied by the present bill, as all admitted that works adjudged to be libels should be suppressed, which they could not be by the existing law. It had been said by the opponents of these measures, that the country was dissatisfied with what parliament was now doing. He believed the contrary. He believed that if the nation was polled, the majority would be found to declare, that parliament was acting wisely. It had been urged by one hon. gentleman, that he in expressing a doubt regarding the policy of extending education on the plan at present pursued, had opposed the spread of morality and religion. No man, he was convinced, could suspect him of such a design, and he thought it beneath him to answer such an insinuation. He had never declared education an evil. He had merely expressed a doubt as to the policy and expediency in the present condition of society, of carrying the system of educating the poor to the extent recommended by some of his friends. His reasoning was the following:—We put the people in a new situation by this general diffusion of education; and we are not perhaps aware of the effects to which this change may lead. This new condition which is created may lead to evils which additional restrictions on the press may be required to correct; as with the capacity of reading facilities are afforded for spreading mischievous as well as moral and religious principles. If he was asked generally, whether education was a good, he should be a savage to deny it; but if interrogated further, whether he thought it should be spread so extensively and so rapidly as was the wish of many benovolent persons whom he highly valued, he would beg leave to express a doubt; but because he did so, he ought not to be accused of opposing the diffusion of morality and religion. The hon. gentleman adverted to what fell from sir J. Mackintosh last night, regarding the articles of the Bill of Rights, in opposition to some remarks of his on a previous evening. The hon. gentleman maintained his former position with regard to the sense which the powers of the Bill of Rights entertained of the freedom of the press. In that heroic age of Whiggism the same notions were not entertained of the press as now. But did he wish the re-enactment of the statute of Charless 2nd, continued a short time after the Revolution? By no means.

He thought that every man should be allowed to publish his opinions without a previous censorship, and only liable to punishment for the abuse of his freedom; but this was contrary to the act of Charles 2nd, and to the opinions of the Whig ministers of William 3rd who wished to re-enact it. The bill did not alter the existing law with regard to the punishment for a first offence; and a man who subjected himself to a second punishment, by committing a second offence, could not justly complain that he was banished from the country, whose religion he had vilified or whose tranquillity he had endeavoured to disturb.

Mr. *J. P. Grant* said, he never supposed that the hon. member would oppose the spread of religion and morality.—He always thought the hon. member was a consistent supporter of the present measure, as he entertained doubts regarding the policy of extending that education, which he said put the country in a new situation, and thus rendered restrictions on the press necessary. The noble lord opposite had, on the contrary, denied that the bill was intended to meet a new condition of the country, arising from the diffusion of knowledge. For his own part, from all the experience he possessed of the state of a part of the country where education was most generally spread, and all the reasoning he was capable of, he came to the conclusion, that education was an unequivocal blessing. Education might be productive of some evils, but its advantages incalculably predominated; for, the more the minds of the people were opened, the greater the extent of their information, the more likely they were to be moral, orderly, and religious; the better the peace of the country would be secured, and the greater would be the chance of stability to the government.—It had been the opinion of all parties, Whigs and Tories, that the liberty of the press was a blessing, till the introduction of these measures. He must say that the House was left in a singular situation in two respects; first, it was going into a committee on a measure, in support of which not one reason had been given by those who had introduced it; secondly, in being called upon to enact a new punishment, without having heard the consequences of it explained by the Attorney and Solicitor-general, who were bound to defend it. The consequences of banishment for life had not been explained; as the punishment was new to the laws of England. Bills of pains and penalties had been passed against individuals, which inferred forfeiture of property and civil death. A case had occurred when the wife of the exile claimed her jointure, as if her husband was dead. Would the banishment, which was inserted as the penalty in this bill, infer forfeiture of property and civil death, and was the House about to enact a punishment so understood? It had been said, that the infliction of this punishment was left to the discretion of the judge. To this discretion he objected. Blackstone described it as one of the excellencies of the English law, that it permitted a discretion in the extent, but not in the nature of the punishment; for a particular crime. Yet, according to the bill under consideration, the judges had the power of inflicting, at their discretion, fine, or imprisonment, or banishment for life. He contended that the country was at the present moment in a state unfit for permanent legislation. He would willingly accede to the measure, if it were made temporary; but he could not consent to legislate permanently under the existing state of exaggerated alarm. In Scotland especially, the alarm was such as to unhinge society. The troops which had hitherto garrisoned Edinburgh had been marched to Glasgow, and the castle of Edinburgh was under the command of the lord president of the court of session; who, before he went into court in the morning, marched a guard of volunteers into the castle, and marched it back in the evening. If we were invaded by a foreign enemy, he should think such conduct most meritorious. As it was, he did not find fault with it; but it showed the extravagant and ungrounded alarm which existed. To the same cause were the numerous reports of the danger of insurrection attributable. Among others, it had been rumoured that pikes had been found; the value of these pikes was estimated at five shillings. Now, he should like to know how it was possible that a weaver, who did not get more than five shillings for his day's work could be able to afford five shillings for a pike; and, having procured it, how he could be able to devote the greater part of every night to learn its use? He allowed that proper precautions were necessary; but he deprecated the embodying of those pre-

cautions in a permanent form. As to the measure before the House, not only was there no necessity for it, but even if the existing law were deficient, the proposed measure would be inefficient for all good purposes, but very efficient for bad ones. It would not prevent such publications as it was desirable to prevent; but it would ruin many publications of the most respectable character.

Lord *Binning*, in answer to what had fallen from the hon. member, referred the House to the statements which had been made by men of the most respectable authority, relative to the disturbed state of the western part of Scotland. He referred the House also to what had been said on the same subject by the hon. members for Renfrew and Lanarkshire. It was admitted generally, that great disaffection existed in that country. It was true, that the disaffected had availed themselves of the distress which existed, in order to work upon the minds of the people. So far had these evil minded persons succeeded, that a day was fixed for their rising. Was this, then, not sufficient to alarm the public mind? It was found necessary to take every precaution for the preservation of the public safety. The citizens of Edinburgh, therefore found themselves obliged to take arms in defence of their properties, their families, and all that was dear to them.

Mr. *Birch*, in order to show the system of exaggeration which was practised in order to create alarm, mentioned some observations which were made in a Nottingham ministerial paper. It was there stated that himself and his colleague (lord Rancliffe) must be either grossly ignorant of the training which was practised at Nottingham, or that they wilfully withheld that information from the House. The magistrates, feeling anxious on this subject, directed the town clerk to write to the editor, calling upon him to come forward and make known the information of which he stated himself to be possessed. The editor waited upon the clerk, and stated that he possessed no information of the kind, and that he was ready to retract all he had said in his next publication.

The motion having been put and carried, that the Speaker do leave the chair,

Sir *James Mackintosh* said, the present was the proper time for him to state the amendments of which he had given notice on the preceding evening—amendments intended to define, as accurately as possible, the description of offences which ought to come within the operation of this bill. He had agreed to postpone these amendments until the third reading of the bill, but, out of deference to the wish of others, considering the great importance of the question, as there might not be a sufficient attendance of members, on the third reading to-morrow, he deemed it proper to make his propositions in the present stage. The first amendment was of so small a kind, and appeared to him to be so obviously reasonable and necessary, that he did not think it could give rise to any discussion. He would propose, in that part of the clause which set forth "that from and after the passing of this act, in every case in which any verdict or judgment by default shall be had against any person for composing, printing, or publishing," that the words, "maliciously and advisedly" should be introduced before the word "composing." The words which he wished to insert formed part of the act of the 36th of the king, which in all the other parts of the present bill, was exactly and minutely followed. He would not dwell on this part of the amendment, because those words having been originally part of an act of the same description, ought clearly to find a place here. He did not wish to enter into any discussion on this division of the subject, but would merely ask whether gentlemen opposite had any objection to the insertion of those words? (The attorney-general said across the table that there was an objection.) Then he was to understand that to this part of his proposition there was an objection. The principal amendment however, which he would propose to the committee, and which appeared to him of the most essential importance, related to that part of the clause which immediately followed the passage to which he had adverted. Whether it was a definition, a description, or an enumeration of offence, he knew not. It was impossible to say whether the passage was meant to point out the whole class of offences which would be punishable by this bill, or to define the precise writings that ought to be ranged under the words "seditious libel." The passage was this:—"for composing, printing, or publishing, any blasphemous libel, or any seditious libel, tending to bring into hatred or contempt the

person of his majesty, his heirs or successors, or the regent, or the government and constitution of the United Kingdom as by law established, or either House of Parliament, or to excite his majesty's subjects to attempt the alteration of any matter in church or state, as by law established, otherwise than by lawful means," &c. Now he was at a loss to say whether this was a definition of a seditious libel in general, or an enumeration of the offences, to which, as seditious libels, the punishment provided by this bill was to be applied. The passage seemed to him to be of so vague, confused, and unsatisfactory a nature, as to leave the understanding quite at a loss to decide whether it was, in fact, a definition of a seditious libel, or an enumeration of certain sorts of libel against which the provisions of this bill were to be specifically directed. If it was a definition, it was a very faulty one—absurd in language, since it at once gave you the thing described, and the description; just as if an individual were to say, that a triangle was a thing having three sides, and including three angles; which would be a mere absurdity, a waste of language. On the other hand if it were an enumeration of some sorts of seditious libel to which this bill was to apply, excluding others from its operation, then he wanted to know what the non-enumerated libels were?—what the libels were, thus left to the correction of the ordinary statute-law of the kingdom, and removed from the operation of this bill. He found, in all the words he had quoted, no satisfaction to the understanding with respect to this point. The amendment which he meant to propose, and to which he begged the serious attention of the committee, if not on his account, at least on the ground of the importance of the subject, was to leave out all those words, "tending to bring into hatred or contempt the person of his majesty, his heirs or successors, or the regent, or the government and constitution, as by law established, or either Houses of Parliament, or to excite his majesty's subjects to attempt the alteration of any matter in church or state, as by law established, otherwise than by lawful means;" and to insert these words in their room, "or any seditious libel, tending to excite his majesty's subjects to do any act which, if done, would, by the existing law, be treason or felony; or any libel in which it shall be affirmed or maintained, that his majesty by and with the advice and consent of the Lords spiritual and temporal, and Commons, in parliament assembled, has not, or ought not to have full power and authority to make laws binding on his majesty's subjects in all cases whatsoever." The clause, if adopted, as he now read it, was perfect with respect both to omission and insertion. He should now proceed to state the grounds on which he made this proposition to the committee. He hoped any gentleman who heard him read the clause, had marked what he proposed to leave out, and what he wished to insert, in order that they might understand the principle on which he proceeded, and the difference between the clause as it at present stood, and as it would appear if altered. It had been said by all those who had taken a part in supporting this measure, that there was nothing which they more anxiously desired, than to distinguish the infamous and flagitious press, which was the disgrace of the nation and of the age, which no man held in greater abhorrence than he did, against which no man was more ready to declare the most determined hostility, from the honourable, well-conducted, and well-deserving press. To make a clear distinction between these two branches of the press—to do away the atrocities of the one, without encroaching on the just liberty, or lowering the fair character of the other—this was the sentiment which had been stated by all those gentlemen who had taken a part in these discussions favourable to the present bill. It was a feeling so natural and so proper, that he should have been disposed to give them credit for it, even if they had not expressed it. One object he had in bringing forward this amendment was, to put to the test the sincerity of those declarations—to afford to the committee an opportunity of making the necessary distinction between those two parts of the press, which gentlemen must see, the bill under consideration had not made, but which, on the contrary, it had the tendency to confound more than they had ever been confounded before. Here it was proper to consider what the evil was which had been complained of. He would take that evil on the statement of his hon. and learned friends opposite, and he would confidently appeal to them, whether it consisted in the general prevalence of common political libel. He would contend, that it did not. If they separated political libel into two classes, they would

see the necessity of making the distinction he wished to introduce. One of those classes was the consequence of that violence, that excess of feeling, that ebullition of spirit, which was always occasioned by the collision of parties in this kingdom. There never was a period, when this species of libel was less frequent, and certainly none, in his opinion, when it was less virulent when it did appear. The English periodical press had never, on the whole, been so pure, so blameless, so meritorious, as of late years. On the other hand, there never was a period when another description of libels of a political nature indeed, but leading to every thing base and infamous—inculcating the doctrines, not merely of rebellion, but of murder were more frequent. He would not quote any of the passages taken from works of this vile description which were last night referred to by an hon. and learned friend of his. It was enough to say, that they encourage rapine, murder, and irreligion; rebellion was perhaps the lightest crime they inculcated. In general, the offences, as he took it, committed by the better part of the press, were neither numerous nor of dangerous consequence. Those of which the other branch of the press was guilty, were not, in his mind, justly entitled to the dignity of political offence. They echoed the common cry of the outcasts of the human race, who, excited by bad passions, or acting under the influence of want and necessity, defended murder and robbery, recommended the proscription of men by classes and great bodies—whose writings, in short, tended to the perpetration of atrocities never known in this country before, and scarcely even heard of in the time of Marat, in the worst period of the reign of terror in France. The press as he had already observed, was divided into two parts. He was almost ashamed to mention them by the same name. The one was the regular press, which was marked by greater purity, greater moderation, greater talent, and more commendable conduct, than at any former period; the other a contaminated engine, sending forth almost clandestinely, amongst the lower classes of society, a few publications, carrying atrocity and criminality to a degree almost unparalleled in the annals of mankind.—The new evil, then, was the character of those latter libels. No evil could be traced from the increase of ordinary political libels, which had in fact decreased in number, and abated in violence. The evil, therefore, must be ascribed to the operation of this new species of libel, in which atrocious crimes were defended. His object then was, to confine the operation of the new law to that which was the new mischief. He wished to propose to the committee, that the old law of libel should be left to cope with the old character of libel, as in former times, and that the new law should be confined, as it ought to be, to the new mischief, and not extended to the ordinary indiscretions of a free press, the warm ebullitions of an ardent spirit—faults which called for no change whatever in the law. The whole of that part of the bill which he wished omitted was a good or bad definition of a seditious libel. He thought it was not a good one. He believed that the offence of seditious libel was undefinable. It was a futile labour to attempt the definition of an offence which depended on circumstances: since words which at one time might be considered innocent, might at another time, and a few miles off, be condemned as wicked and improper. The whole of the definition manifested a great inexperience in legislation—a great want of knowledge of human nature—a great unskilfulness in adapting laws to the particular situation of men. But positive instigation to the commission of crime was easily defined. It was, at least, easy to describe it in such terms, that a jury of common honesty might at once see, whether a person brought before them as the instigator to crime, was innocent of such charge or not. But it was very remarkable, that at the same moment when the framers of this definition had thrown various sorts of libel into it, in a sort of cumbrous and confused parenthesis, they had not only included what did not call, but had excluded what really did call, for the interposition of the legislature. They had excluded much of what might proceed from the most degraded part of the press, which did call for regulation, and they had included the respectable part of it, which did not. Would his hon. and learned friend show him any clause in this bill, by which the penalty of banishment would apply to a man whose writings recommended assassination? There was not a word of the kind. Suppose that a man proposed an extended system of forgery, to destroy all confidence in commercial dealings, and to ruin the credit

and character of the country. Under the bill as it now stood, he could not be punished—he came not within its provisions; but if his amendment were agreed to, such a man might be prosecuted with effect, because he would have instigated to that which is felony by the law of the country. The preamble contained what it ought not to contain, and omitted that which ought to have formed a part of it. So it appeared to him the substance of the argument which he had taken the liberty of stating to the committee was this, the possibility and the expediency of distinguishing instigation to crime from political libel. Every thing that tended to bring the king and the Houses of Parliament into contempt was certainly a seditious libel. This, he conceived, comprehended all instigation and incitement to rebellion; but it did not comprise crimes not actually instigating to rebellion, though having a tendency to that end, but which still were ordinary crimes against the state of society. He thought the cases might be distinguished one from the other. This would perhaps take some cases of a very culpable nature out of the operation of this bill; but the question the committee had to consider was, whether the efficacy of the law on the one hand, and the security it would give to the respectable part of the press on the other would not promote the ends of justice better than if it were left as it now stood, although some political libels of an aggravated sort, were to happen to be exempted from the new inflictions of this bill? Now he would maintain, that the classing persons whose writings were instigations to commit murder, instigations to rebellion, instigations to commit any atrocious crime, along with those who had only written an ordinary political libel, was a gross error. It was an error which would have the most pernicious effect, a doubly pernicious effect; since sometimes it would occasion the escape of those who deserved to suffer, and at others the severe punishment of men who ought to have been more mildly treated. Libels, in some cases, might be of a most atrocious kind, but they might be the fruits of qualities which were not the object of hatred or contempt among mankind. This law would apply to cases where the excellence and genius displayed in a libel would rather be considered than its criminality. What, then, would be the effect of this bill in those cases? Its severity would tend to abate the natural horror which men would otherwise feel against those who thus abused their [illegible]lities. It would tend to counteract the [illegible]oral feelings and judgments of mankind, and would produce a certain degree of sympathy for those who would otherwise be the objects of abhorrence. But this, which was favourable to the flagitious writer, was decidedly against the interest of the fair and honest writer, whose error was an error of judgment. When a new law passed against both—when the same punishment was awarded against both—when the person who proposed assassination and thus placed a stigma on the press, and the individual who wrote a mere political libel, were viewed as equally criminal, the whole became confounded in one mass; and the wickedness of the one, and the respectability of the other, were merged together; in short, there then appeared to be but one press. But what would be the ultimate consequence in many instances? The liability to a severe punishment would save the ruffian; while the man who acted from honest views must suffer in his character although acquitted, by having been classed with such a person. This evil was, in some degree alleviated by the discriminating justice of the law of England, with respect to the different parties engaged in composing, printing, and publishing a libel; but the effect of the bill would be to comprehend under one common degree of guilt every person concerned, from the tradesman, in whose shop, without his knowledge, and perhaps against his injunction, a libel was sold, to the wretch who for years had dispersed amongst his fellow citizens publications inciting them to the worst of crimes. He spoke not as a visionary speculator in criminal law; but every man must see, that one branch of the criminal code would be most seriously altered, he would say injured, by this bill. Instead of strengthening the moral feelings of mankind, a measure proceeding on such a principle of confusion, by which crimes of various degrees were punished alike, tended to weaken them. It was injurious to those who were almost innocent, and advantageous to those who were in the highest degree guilty. He knew it would be said that this was the fault of the law as it at present existed. He could not deny that. But he would put it to the good sense of the committee, whether, when they were

called on to frame a new law on this subject, they ought not to render it as clear and perspicuous as possible? It was no defence of the obscurity of a new measure to say, that errors, and inconsistencies, and confusion, formerly existed. Formerly they might have excused themselves, upon the plea that they were only acting in conformity with custom; but on this occasion that plea would be totally unavailing. Adherence to the old institutions of a well-regulated commonwealth was certainly a quality which deserved applause, and never could be regretted, except when it degenerated into a species of bigotry, which could see nothing to condemn, even in the most inveterate abuses. But this adherence to old institutions could not be urged as a plea for sanctioning old abuses, when the House was engaged in passing a law so novel and extraordinary as the present, a law which declared that a woman or a child residing 500 miles from London, and possessing an annuity dependent upon the existence and success of a newspaper, was to be classed under the same description of offenders, was to receive the same name, and was to await the same judgment as those wretches who were daily exhorting the people to the commission of the most criminal and atrocious actions. If the committee would take this circumstance for a moment into their consideration, they would soon be convinced that it imperatively demanded their most serious attention, as, if not altered, its tendency was, to destroy the whole effect of the bill. For undoubtedly its effect, if it were confined solely to those whose actions and writings formed the best justification of it, and those who by their malignant exertions had forfeited the respect and excited the abhorrence of every good man, would be to attract the wishes of all the community to the due execution of the law upon those who offended against it.—He meant no reflection upon the manner in which the magistracy throughout the country exercised their functions; but still he could not help remarking, that if it were confined as he would confine it, no law would be more cordially carried into execution. There would, however, be a very different result if it were extended to all who, either technically or substantially were guilty of a libel. That very extension of it to all cases would be productive of consequences which its framers had never contemplated; it would prevent prosecutors from coming forward, and witnesses from giving testimony, in that candid manner which ought always to be seen in a court of justice. And what would be the result of such a state of things? Why, that only few convictions would follow prosecution; so that in point of fact, more satisfaction would be gained to justice by subtracting a few cases from the operation of this law, than would be obtained by including all cases under it. He should, therefore, most strongly recommend the committee to make it apply solely to the criminals for whom they intended it, and not to allow any part of it to extend to the sound and respectable portion of the press. Indeed, he could wish to know what object could be effected by retaining the clause as it at present stood. There was not a printer in the country who was not afraid of it: there was not a respectable bookseller who did not object to it: those of London and the vicinity had already presented petitions against it, and similar petitions would shortly be presented from those of Edinburgh and Glasgow. Every proprietor, every editor of a newspaper, as well in the country as in the metropolis, was alarmed, lest this bill should pass into law, merely on account of the very words to which he objected. Was it right, then, to include the reputable and disreputable parts of the press under the same regulation? Where was the newspaper which published any instigation to crimes, any incentive to assassination?—The gentleman who conducted the daily newspapers of the metropolis were as incapable of advocating such atrocious doctrines as any member of the assembly which he was then addressing, and held them in too great abhorrence to say even a word in their palliation. Therefore, though a few cases of libel, arising out of the hurry of composition, might be withdrawn from the operation of this bill, by the amendment which he proposed, more would be gained by the wide distinction which it endeavoured to create. He must apologize to the committee for the length at which he was explaining his amendment, but he could assure them, that he had only proposed it, in order to render the bill more efficacious than it otherwise would be. The committee would, perhaps, be of opinion, that his amendment would not produce that effect which he contemplated; he, however, felt that he should not be discharging his duty, if he

did not endeavour to fix upon their minds the impression which was made upon his own. The operation of this law must materially affect the newspapers, in which the whole force of political discussion had of late years been concentrated. The prodigious number of persons, of every rank and description, who now took an interest in public affairs, the care and anxiety with which every passing event was perused when recorded in these vehicles of information, and the discrimination and talent which were displayed in the daily comments which they contained, had given them a circulation which had at once increased the emoluments and the respectability of those who were connected with them. Indeed within his own recollection their importance had increased to a degree which to many would appear incredible. A new interest had risen in the state, which had imperceptibly acquired to itself consideration and power. Now that this consideration and this power had become apparent to the most inattentive observer, honourable gentlemen came forward with a general maxim, and said, "Try, if you can, to subdue this new interest; if you cannot, keep it down as much as possible." This was, however, most wretched policy, and never could be the advice of a wise statesman. The true policy to be adopted in such a case, was to conciliate and attach every new interest, to make it coalesce with the old institutions of the state, to render it the ally of the law and the government, and not to place it under unnecessary regulations and restrictions. Mr. Burke, when contrasting the effects of conciliation and of coercion in his speech in favour of conciliation with our American colonies, had made an admirable observation, namely, that a government might first conciliate, and if conciliation failed might then coerce; but that the reverse order was not so easy, because a government which began by coercion could not afterwards attempt to conciliate, without bringing itself into contempt and derision. This observation he could wish to have applied to the present case. The number of readers had rendered the property of newspapers valuable: this had attracted to them men of talent and respectability, and by them great influence had been obtained over the public mind. So long as emolument and respectability accrued to those who thus employed their faculties, it would be impossible to detach from the public journals, men of talent and education.—The House might irritate the press—they might deprive themselves of the assistance of that powerful instrument—but no measures which it was possible to adopt could have the effect of preventing its continuing to be a source of emolument, or preventing that emolument from continuing to attract men of talents to it. It was within the power of the House to conciliate those individuals, but it was not in its power to destroy them. It was within the power of the House to make them friendly, but it was not within the power of the House to make them feeble. It depended upon the spirit of conciliation which they exhibited towards the press, whether they were to rank those connected with it among their allies and auxiliaries, or among their enemies and opponents. The very circumstances which had attracted those individuals to the press had also been productive of great advantage in the manner of conducting it. During the last thirty years, he had watched with the most earnest attention the behaviour of the public journals, and had observed, that however the various journals might differ on points of general policy, they had been continually improving in decency, and in respect for the laws and constitution of the country—a circumstance which he attributed to the improvement in talent and respectability, which, as he had before-mentioned, had taken place among those who supported them. He knew a gentleman who had been engaged during the whole of the last 40 years as the conductor of one of the most popular newspapers; and to his situation and his conduct as they had come very much within his own knowledge, he would wish to call the particular attention of the House. Writing as that gentleman generally did, in haste; writing too, under the impulse of generous feelings of party; easily excited when the liberty of his country or the rights of humanity were invaded, acting as an invisible, unaccountable, and unassailable being, exercising a power almost despotic over the minds of his readers; and yet with all these temptations to abuse—(and here he would suppose him secured always from greater temptations by his well-known integrity, and the incorruptibility of his character—he would suppose it impossible that he could be ever charged with venality, indecency, or improper motives of any description)—yet notwithstanding all these considerations, he had never been even subject to an accu-

sation for private slander, and had never been convicted for a public libel. The House might suppose that the individual in question had been favoured by the ruling power; but so far from this being the case, he had seen the men whom he had always supported only three years in office. Still he had always adhered to the principles on which he had commenced his public life, in spite of the allurements of office and the frowns of power. He would ask whether, during the same period, any man in Europe had acquitted himself with more credit in a public situation than the individual to whom he alluded, he meant the gentleman who was the conductor of the principal opposition print—Mr. Perry, the editor and proprietor of the Morning Chronicle. He had not described any person who was a supporter of the government, because that would not have been so much to his purpose, but to an individual who, during thirty-seven years, had been one of its principal and most effective opponents. He had quoted him as an instance of high honour, unimpeachable integrity, and undeviating principles, in order to show that these qualifications were carefully cherished among those who were connected with the press, and in order to impress upon the committee the necessity of conciliating those who conducted that mighty and irresistible engine. They had been most efficient supporters of the nation's interest during the late common contest in which all of us had been engaged; for could any one who recollected the manner in which the press of London conducted itself during that war, fail to recognize the services which it had rendered during its continuance?—Had the common cause of the country ever been maintained with greater splendor of talent (and indeed the splendor of talent was such as would do honour to the best writers in the best age of our literature) than it had recently been maintained by these very men against the individuals whose efforts this bill was more particularly intended to put down? Notwithstanding the manner in which they differed upon some subordinate points, and notwithstanding the want of prudence which some of them had exhibited on a recent occasion in the discussion of certain local questions, the constitution had never possessed more constant and more zealous supporters than those individuals whom the committee was now going to place among their opponents. With what conscience could the committee place these, the defenders of social order, on the same level with those who were its greatest enemies, and were daily exhorting their deluded followers to the commission of crime and villainy? And yet, extraordinary as it might appear, they were placing men of talents and character on a level with men who were assassins in their hearts—men who had not courage to take on themselves the responsibility of crime, but who did not hesitate to instigate others to its commission—they were endeavouring to degrade their most powerful and efficient allies by classing them with their common enemies, and subjecting them to the same punishment as these common enemies; they were treating them as participators in the mischief which called for the security of additional laws; they were, after no fault of theirs—after the signal merit to the praise of which they were entitled—after their rendering more assistance to the cause of society than could be rendered by all the restrictions parliament could impose—about to confound them with those vile miscreants, and to punish them for the evil which they themselves had been the first to encounter. He did not ask the committee to make any sacrifices—to propitiate—he merely asked them not wantonly to irritate those on whose conduct more would depend than on the laws they were now enacting. The press had a power in the present state of society of which it was foolish to complain. This state of things depended on causes beyond the control of parliament. They could no more control the order of things in society, then they could control the planets in their courses. The order of the moral world was no more dependent on them than the order of the physical. The course of human affairs was beyond the control of any legislator—beyond the power of any statesman. The course of affairs had given a power to the conductors of the press which could not be wrested from them. This power they might exasperate or they might conciliate but not annihilate. They might alienate the press, but he repeated they could not divest it of the power which the circumstances of society had thrown into their hands. He would not on this occasion appeal either to the mercy or to the justice of the House: he would appeal to its prudence, and would

ask them whether it was expedient to irritate the feelings of those respectable men against the institutions of their country. There was another point which he wished to press upon the attention of the committee. In another bill which had been recently before the House, a provision was made for taking recognizances from printers and publishers.—The object of that provision was said to be to place the control of the press in no other hands than those of men of property. The present bill, however, which classed men of property along with the most desperate and abandoned individuals, was calculated to prevent any respectable tradesman from interfering with newspaper property. The emoluments derived from a successful newspaper attracted men of capital to engage in them. The possession of capital was in general a guarantee for the possession of respectability. Men of property had generally a regard to their character, and to the peace of society in which they had so deep an interest. They could not obtain a better security than was derived from this circumstance, but they might throw it away for that which would afford them no adequate security. A high sense of honour, a strong feeling of personal independence, and a reliance on an unimpeached and unimpeachable character, were the best securities which could be taken from the editor or the proprietor of a newspaper. If these were once broken down by any restrictions of the legislature, the public journals would be thrown into the hands of men either of desperate poverty, or of desperate fanaticism, or of desperate ambition, who would willingly brave all the penal statutes which could be enacted against them. From results of so dangerous a nature as those contemplated by the present bill, respectability, and property, and talent would shrink with timidity; and the consequence would be, that this engine, so beneficial when well-directed, so pernicious when ill-directed, would fall into the power of desperate poverty, of desperate ambition, or, what was worse than all, of desperate fanaticism. He therefore implored the committee to reject the clause as it now stood; for he could assure them, that if they had purposely contrived means for rendering the press imfamous and hostile to the present institutions of the country, they could not invent a better method for effecting that object than by agreeing to it. He was sensible that he had already intruded too long on the attention of the House; he should therefore sit down, after first moving that the words "maliciously and advisedly" be inserted before the words "composing, printing, or publishing."

Mr. *Canning* could assure his hon. and learned friend, that as far as it applied to him, there had not been the slightest occasion for the apology which he had just offered to the committee. He never thought, and he was convinced the House never thought, his speeches too long. There was no man to whom he listened with greater pleasure than he always did to his hon. and learned friend, because, even when he could not come to the same conclusion, he always heard much to delight and much to inform him. However much in general he concurred with him in matter of principle, and much as he in general approved of what fell from his hon. and learned friend—if there was any regret felt by him on this occasion, it was, that with that power of eloquence he so eminently possessed, he had taken a basis much too wide for the motion with which he concluded. And he could assure his hon. and learned friend, that he would have come to the discussion with very different feelings, if he had not overlaid the motion by the earlier part of his speech, but had proposed the amendment without the general argument, which had added much to the amusement of his speech, and much to his delight, but *nothing* to his conviction, and much he owned to his alarm [Hear, hear!]. The amendment proposed might or might not be harmless. But, in calling upon those who proposed the present bills to state their reasons for them, in the alarming tone which his hon. and learned friend had used, he had imposed a task of awful magnitude upon those who differed from him in their political views. The alternative which his hon. and learned friend had proposed to their acceptance was this—either that they should surrender their liberties to some unknown, undefined, and invisible power, or else that they should acknowledge the supremacy of the daily press. To the latter, he, for one, could never assent: in spite of the obloquy which might attend the declaration he was now going to make, he was determined conscientiously to discharge his duty; and if the choice was, whether he was to su-

crifice himself and save the institutions of his country, or save himself and sacrifice those institutions, his mind was made up, his resolution was taken, and the sacrifice of himself should be willingly offered to the good of the nation. Whatever he might yield to the arguments of his hon. and learned friend, he would yield nothing to his threats. Before he entered into a consideration of the definition of libel, which had just been offered to the committee, it would be well for them to consider of what nature the power was with which they were called upon to contend; they had heard that it resided amid clouds and darkness; and that from the midst of those clouds and that darkness it hurled its vengeance with such unerring aim as never to fail in striking down its victim: they had heard this dreadful denunciation, and therefore it became them to consider whether the freedom of parliament was to yield to the freedom of the press, and whether the freedom of the press ought not rather to be denominated its despotism? Despotism was not merely of one kind or description; it existed in various shapes, and arose in various ways; but to no despotism however created, or however formed, would he ever yield himself up a willing victim. He abhorred the despotism of one man, because it was calculated to destroy all the enjoyments of life, and to render existence scarcely worth supporting. He objected to the despotism of many, whether it appeared in the shape of aristocracy or democracy; to the former he objected, because it destroyed the spirit of competition, and checked the aspirations of ambition and hope; and to the latter, because it led by an ascertained course to military despotism. The despotism of the press, however, appeared to him to be more insupportable than all the rest; indeed, if they might credit the description which they had just heard of it, the imagination could conceive nothing more terrible. There was not only a power in it which it seemed it was impossible for any human ingenuity to resist, but there was also a power which acted with all the secrecy of a Venetian tribunal, and at the same time struck with all the certainty of the Holy Inquisition. This power, it was allowed, had grown up under the fostering care and attention of parliament, and parliament was now advised to win it over to its side, in order that it might not turn round and destroy the parent from which it sprung. To such a degradation he would never submit. To such an argument he would not yield a single inch; no, not even though his hon. and learned friend advised him to do so. His hon. and learned friend, in giving that advice, had endeavoured to tempt the House into a discussion into which he should not follow him. He had given a character of the daily press on which, for the most part, he did not differ from him. With respect to the individual to whom his hon. and learned friend had more particularly alluded, he would say that from some circumstances he happened to be acquainted with, in his own mind he was convinced he deserved the character which had been given of him by his hon. and learned friend. He would say this of that individual, that he believed him incapable of availing himself of the power in his hands to gratify any private soreness or private hostility. But while he admitted this, and trusted that the concession would qualify the severity of any farther remarks that he might make on the subject, he could not allow that the daily press was wholly free from blame in some of the particulars to which his hon. and learned friend had alluded. At no very distant day he had seen in some part of the daily political press, an extract from a pamphlet, recommending assassination as a means of obtaining political freedom. That extract was quoted, without being accompanied or followed by any observation, except that the assassination recommended was only conditional. Such a passage he had read, but he would never have thought of mentioning it but for the challenge thrown out by his hon. and learned friend, that it was impossible that this part of the press could be guilty of any possible aberration from rectitude or propriety—and he only adduced the circumstance as a qualification of his hon. and learned friend's general commendation the danger of even a possible aberration. Yet, though he could not concur with his hon. and learned friend's panegyric in every particular, he very readily agreed with him that in the present times there was a tone of decency in the daily press which ought not to subject it to any participation in the blame to which the other part of the press was entitled. But in an act of solemn legislation they ought to look neither to the right nor to the left. He agreed with his hon. and learned friend that when either in the moral or the physical world any new power made its ap-

pearance, it became an object of importance to obtain the aid of that power, and to reduce it to a state of subserviency, instead of opposition to our interests. But as little, when any explosion of nature took place, which seemed to threaten universal desolation, was it the part of sound philosophy to prostrate itself before the formidable phenomenon, instead of raising, at any risk, a dyke to stop the progress of the ruin. But how could this argument as to the danger from the power of the press, be reconciled with some other arguments which they had heard at an earlier period of the debate, and which tended to prove that the freedom of England and the power of its press had fallen off? The fate of our legislation, perhaps of our empire itself, had been said to be fixed, and our decline had been declared to have been already commenced. Parliament had been warned of their degeneracy from their ancestors; public opinion had been said to be stifled; the love of freedom and the spirit of patriotism had been lamented as extinct. The argument used to-night by his hon. and learned friend was a decisive refutation of those desponding statements which the House had heard last night. Public opinion was represented by his hon. and learned friend, and truly represented, as possessing now tenfold force at the present, compared with former times. Not only was public opinion advanced, but its power was accumulated, and conveyed by appropriate organs, and made to bear upon legislation and government, upon the conduct of individuals, and upon the proceedings of both Houses of Parliament. He was not so foolish as to regret—he was not so mad as to attempt to arrest—the course of public opinion. But, he was not so feeble, or so fearful, as to surrender the right of legislation, or to abdicate the functions of parliament, not to public opinion, but in order to conciliate the organs by which public opinion was expressed. He agreed with his hon. and learned friend, that there was much difficulty in definitions of prospective offences, and that too much solicitude about definition was apt to defeat its purpose, and he would rather leave the offence which it was the object of the bill to punish to be defined by circumstances and facts, than attempt to describe it too minutely. But it was one thing, whether a definition should be introduced in the original act of legislation; and quite another thing, whether it should be left out, with the knowledge that there it had once stood. It might be proper, and it would be safe, to refrain from definition in the first instance; but to strike out what had been once inserted, was not to leave the law in the same situation as if it had not been introduced, but to intimate by inference that those things, so left out, were not considered as crimes. He did not deny the superiority in many respects of his hon. and learned friend's definition. In point of length, it certainly was extremely superior. If they measured them by words or by sentences, by weight or tale, his hon. and learned friend's amendment was infinitely more voluminous than the clause which he was disposed to displace. He was not sorry that it was so, nor was he supposing it a fault; but it was rather an awkward remedy for what his hon. and learned friend had considered as too complex and too extended. But, to prove his disposition to conciliate, he was willing to take all that was in the bill; and, together with that, a part of his hon. and learned friend's amendment. The only part which could be added to the bill from the amendment he would adopt, but he would not agree to disgrace what was in the bill by displacing it. What was the expression in the bill proposed to be amended? "Any blasphemous libel, or any seditious libel, tending to bring into hatred or contempt the person of his majesty, his heirs or successors, or the Regent, or the government and constitution of the United Kingdom, as by law established, or either House of Parliament," &c. If he adopted his hon. and learned friend's plan of conciliation—if he yielded to that manichean dread of the power of the press, this definition was to be left out. Though he was sure that the press was supremely attached to the king, and that it had the most affectionate respect for both Houses of Parliament; yet if, in deference to the power of the press, if from some unaccountable spirit of conciliation, they left out this part of the bill, they would leave out the very best part of it. He was persuaded that the conductors of the power of the press would guard those sacred depositaries of constitutional authority with unrivalled zeal; that they would protect their rights with the utmost ability; that they would direct their proceedings with consummate wisdom. But the members of that House had some interest in this duty; they also had "done the state some service;" they

were bound by their oaths to protect the powers entrusted to them; and, highly as he valued the power of the press, he could not consent to surrender the share which parliament ought to have in the copartnership. The legislature performed a part which was not unknown. Their powers were ascertained, their faculties were measured. They were not enveloped in clouds; they wielded not a force whose existence could be perceived only by its fearful effects. Their intentions were perceived; their words were heard; their proceedings were published. In a few hours it would be known from one end of the kingdom to the other, that he now discharged his duty at the hazard of owing the little reputation which belonged to him to the mercy which he would not condescend to supplicate. Yet he would not surrender to the guardianship of the press those principles which parliament was authorized and commanded to take to its peculiar care, and which it could not relinquish without forfeiting its rank and character. He had no objection, however, to include in the bill that part of his hon. and learned friend's amendment which related to instigations to assassination. He was happy that his hon. and learned friend should thus have his share in securing that sober freedom, that temperate ardour of liberty which the bill was calculated to cherish, and which none was more anxious to promote or more capable of teaching others to reverence than his hon. and learned friend.

Lord *Folkestone* said, that he ventured to address the committee with infinite disadvantage, after the splendid succession of eloquence to which they had just listened. The right hon. gentleman had expressed his acquiescence in the first part of his hon. and learned friend's speech; in the latter part of that speech he must be excused by his hon. and learned friend for saying, that there appeared to be a little too much courting of the conductors of the daily press. He knew that his hon. and learned friend had no such intention. But that was, in any view of it, no argument for the dissent of the right hon. gentleman from the amendment. What was the real argument at issue? The amendment was offered as more applicable than the original passage in the bill to the purposes intended to be effected by the gentlemen on the other side, and as leaving unaffected the daily press, which both his hon. and learned friend and the right hon. gentleman had agreed in calling an ally, in maintaining sound and rational principles against the noxious part of the press. Intimidation there was not, nor any thing that could be fairly construed into intimidation in his hon. and learned friend's speech. The right hon. gentleman, nevertheless, declared that he was ready to sacrifice himself to maintain the institutions of his country. What could have called for that gratuitous declaration of patriotic immolation he was at a loss to conceive, for he felt fully convinced that nothing had fallen from his right hon. and learned friend (sir J. Mackintosh) to call for the expression of such a determination. No sacrifice was required, or even alluded to; but if a sacrifice, even of life, in defence of their just rights and privileges, were required, every gentleman around him and on the other side would, he doubted not, make it with the same readiness as the right hon. gentleman. But the sacrifice was not called for. With respect to the question before the House, which was, whether the words "maliciously and advisedly" should be inserted, not a syllable had been said by the right hon. gentleman. For his part, he could not help regretting that his hon. and learned friend had lent his hand to amend a bill which was so unconstitutional in its principles, and so grievous in its enactments. By this bill, a power was to be intrusted to the breast of the Court to make an order for seizing and carrying away from any persons, all copies of the libel on which a conviction might have been obtained. This was a most unjust and oppressive power. It might come out before two or three magistrates, before whom a conviction of libel might take place, that a third person, not in court, against whom there was no charge, and who could have had no notice on the subject, had some copies of the libel. The magistrates might instantly sign a warrant, by which constables or officers might go to his house, force their way into it, and rummage all his property. All this might be done to one with whom copies of the libel might have been left designedly for a malicious intent. This bill, with all its noveltics and all its cruelties, was left quite unexplained. No explanation had hitherto been offered. Explanation had been demanded by his hon. and learned friend behind him, in a manner that seemed so imperative, that he thought it could not have been refused; and notwithstanding his experience of that

House, he did conceive that it was impossible for them to have proceeded to agree to the bill without farther explanation. He wished to have it now explained, whether the individual who should be banished in terms of this law, was still liable to the obligation of allegiance? The language of the law upon the subject was, that allegiance and protection were mutual and co-extensive. Let them take the case of a banished man, who should become domiciled in a foreign country, with which this country might afterwards be at war. A conscription might then force him into arms against his native country. Found thus fighting against his country, not voluntarily, but by force, would he be liable to be hanged for high treason? But that would be the consequence, if the obligation to allegiance were not cut off by banishment. Explanation was probably refused, because the hon. and learned gentlemen opposite had not traced their own law to all its consequences. The editor of a newspaper was to be subject to this punishment, and liable to be sent to a foreign country. What stronger motive could exist to induce him to curry favour with a foreign power at war with his own country? Would he not act prudently in providing an asylum for himself by publishing statements and arguments favourable to the enemy of his country? There was an infinity of other objections to this ill-digested bill. A man might spend all his means in his defence, and how then could he be carried out of the country? The bill made no provision for conveying the party to any foreign country. Another grievous circumstance attached to that punishment was, the system which they were told, when the Alien bill was passed by that House, prevailed over the continent. It was there, as in England, in the power of the government to remove from the country, at a moment's notice, any foreigner whom they pleased. The good understanding, as it was termed, that existed between England and the continental countries, would operate perhaps in the further punishment of any individual condemned to banishment, who might thus be tossed from pillar to post without the possibility of redress. But a new light had broken in upon us; and the blots and flaws of the constitution were exposed to general observation and censure. The object of this measure, disguise it as they would, was to stop the progress of intelligence. This was preposterous and vain. Why should they not remove the blots and flaws which could neither be concealed nor defended, rather than manifest their folly by attempting to shut the eyes of the public?

Sir *James Mackintosh* said, he rose to recall the attention of the committee to the grounds of his amendment, from which they had been quite carried away by the magnificent speech of his right hon. friend, who on this occasion had delighted the committee by the union of all the splendor of eloquence with the specious and dexterous declamation in which he was eminently skilled. His right hon. friend had employed all his powers of imagination and skill, and artifice of representation (he would not add another syllable), to lead the minds of the committee from the argument of the question. His (sir J. Mackintosh's) province admitted not of the same use of ingenuity; and if it did, he could not hope to succeed in such a contest. His part was, not to indulge in the vivacity of invective, but, by a humble and plain defence, to recall the attention of the committee to the question before them. His part was, not to dazzle by the fascinations of eloquence, barren and unentertaining statements, and dry reasoning, being the only commodities he had to offer. His right hon. friend had dressed up an imaginary personage, whom he introduced into the House of Commons for the purpose of intimidation. This imaginary personage, so magnificently presented on the scene of that House, his right hon. friend had indeed most triumphantly destroyed and demolished. The ability with which his right hon. friend had accomplished this achievement, he certainly admired; or if the display produced any thing like regret in his mind, it was, that it should be thrown away in combating with a spectre which must soon have disappeared, and in destroying what from its nature must soon have destroyed itself. A feebler hand and a less vehement effort might have accomplished so unnecessary and so ignoble a task. His right hon. friend had, in one part of his speech, from his stores of panegyric, poured forth praises on the feeble efforts which he (sir J. Mackintosh) had made, while, in another, he had attacked with the force of his invective a part of the arguments which he had adduced to support his propositio[illegible] as in no part of his address to the Ho[illegible] here had been sufficient merit to de[illegible] eulogy, so in

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no other had there been any cause for the severity with which the remainder had been treated. His right hon. friend had passed over the argumentative part of his speech in silence—a silence the more remarkable, because he had conceded, or seemed to concede, that he was almost disposed to yield to its force. This part he had passed over in silence, and he had recourse solely to the splendid force of declamatory invective, which he (sir J. Mackintosh) had listened to with a mind as unruffled as any in that House, and with as much personal unconcern as if he had not been alluded to. He now returned to his amendment, which rested not upon the strength of eloquence, but upon justice and truth. The first part of his argument was, that the evil to be remedied was confined to the delinquency of one class of writers. To this his right hon. friend agreed. Another part of his argument was, that another class of writers was exempt from any imputation of having any share in this delinquency. His right hon. friend here again agreed with him. When he had said, that one class of writers were thus free from any share in the delinquency, his right hon. friend could not suppose him to mean, that they were free from the imperfections of human nature, or from the errors into which the hurry of conducting a daily press must lead. The evil of the one class was to be remedied; the errors of the other were to be censured. Here again they were agreed. The inference then was, that while the first class required coercion by new laws, the other class required none. Two conclusions arose from this argument. The first conclusion was, that this clause was unjust, as it destroyed the salutary distinction between the innocent and the guilty, and confounded respectable persons with ruffians. The second conclusion was, that this clause was unnecessary, and extended to objects not within the scope of the law. This argument still remained unanswered. He thought it really unanswerable. Certain it was, that his right hon. friend had not answered it. But it had been said, that he surrendered the duties and the powers of that House—that he was for dispensing with the authority of parliament. Why was this charge brought against him? Was it because he thought it unjust and uncalled for to pass a law which should confound and mix together, in common reproach and dishonour, most respectable and most mischievous men? Such charges would not alter his conviction, till strong arguments were opposed to his statements; and in this respect he was still unanswered. He was charged with threatening the House with he knew not what unknown power. He was charged with possessing lukewarm feelings towards the House. He was charged with flattering the public press, courting the favour of he knew not what conductors of public papers. He must, in justice to his own character, repel such insinuations. To rouse the pride of a popular assembly, to excite their indignation against imaginary encroachments, was an easy task, and a sure mode of obtaining sympathy and applause. To kindle the highest sentiments of pride and indignation in a popular assembly, jealous of its privileges, and tenacious of its rights, required but the slightest breath of air. It required but little talent and little address in managing such topics, to gain ready access to the sympathy and the feelings of a popular assembly like that House. Sympathy in guarding the constitution, zeal for privileges necessary for the due exercise of legislation, were, even in their worst state, so blended and mixed up with the best feelings, that they ought not to be wantonly excited or directed where they were not called for. He was the last man who would wish the House of Commons to become insensible to their privileges—to what he considered as an essential part of the bulwark of our liberties; and he had on all occasions exerted his humble powers in defence of those privileges. On that subject he had agreed with gentlemen from whom he differed on other subjects. In defence of the necessary and salutary privileges of the House of Commons, he was always ready to encounter the most violent insinuations or reproaches, and to expose himself to attack and danger, if danger should occur, in the defence of them. He viewed them as intimately connected with the best part of our constitution; and in the humble but honest effort he made to prevent an act of injustice and wanton insult, he had not apprehended that he laid himself open to any charge of indifference to their preservation. He thought that he had consulted every feeling of authority and of pride which belonged to the House. If it should be his lot to see their privileges really in danger, if he should have the misfortune to see a sacrifice really required in their defence; if he was destined to see them fall, he could say—

Iliaci cineres, et flamma extrema meorum;
Testor, in occasu vestro, nec tela, nec ullas
Vitavisse vices Danaum; et, si fata fuissent
Ut caderem, meruisse manu.

His right hon. friend ought at least to have refuted the arguments opposed to him, after he had by means of incidental declamation secured partiality in his favour. If he had done so to his satisfaction, he would have agreed with him that conciliation would be cowardice and timidity. Where, he begged the committee to reflect, where the cowardice or timidity was to be found on the present occasion. He recollected, indeed he could never forget, an expression used in that House by his right hon. friend, sir William Grant; whose sentiments indeed he always recollected and referred to with peculiar pleasure. Sir William Grant had said, when false or pretended timidity was pleaded in that House—"I am an enemy to all sorts of fear; but of all fears, the most foolish is the fear of being thought afraid." To that most foolish of all fears he ascribed the baseless fabric of his right hon. friend; for, splendid and magnificent as it was, it was without a base. He (sir J. Mackintosh), had urged as a reason for his amendment, the confusion of guilt and innocence, of meritorious respectability and flagitious crime, which this law would introduce. No reply had been made to this by his right hon. friend. All this he had quitted in his impatience to reach the splendor of declamation. This was the precept of the most celebrated poet and critic of antiquity—a precept which his right hon. friend had incorporated in his mind, as he had done all the wisdom and elegance of ancient literature—

——"quæ
"Desperat tractata nitescere posse, relinquit."

All his (sir James Mackintosh's) arguments his right hon. friend had forgotten, in his impatience to triumph in the opportunity of crushing an ideal antagonist. He now came to the last topic of his right hon. friend's declamation; it was, that he had courted the daily press, and threatened the House with the power and hostility of the press. He was sorry to be thought by his noble friend to have in some measure merited the imputation. He was sorry that his noble friend, who was such a model of independence—who was equally hostile against unfair influence from without, and undue power exercised within those walls—who felt equal zeal against dangerous combinations of the people and degrading claims of power on the part of the Crown; he was sorry that such a model of independence should have blamed him. But his noble friend must naturally take alarm at the shadow of such a fault. Yet such a fault he was not conscious of having committed. He entreated the committee to recall to their recollection the argument which he had urged. The justification of the daily press was part of his argument. What he had stated respecting it, was not so much in the shape of eulogium as of fact. His argument would have been incomplete without such a fact. Having made out that this measure was uncalled for on the part of the daily press; having made out that its extension to them would be a confusion of the respectable with the atrocious, he had contended that, in addition to justice and humanity, motives of sound policy recommended the separation of the respectable from the dangerous. This was the whole of his argument—this the sole object of his speech. To say that he had held out a threat of the power of the press, was to misunderstand, or to misrepresent his language. He had indeed said, that its power had increased: he had represented this as the necessary result of the progress of improvement in society; he had represented it as naturally arising from the increase of knowledge and intelligence. Moral feeling had corresponded in progress and improvement to the progress and improvement of intellect. The moral and intellectual qualities exhibited in the conduct of the press had acquired a power, and had become arrayed in a character which rendered the press infinitely more mighty and more beneficial than it had been in former times. This was not declamatory praise; it was the sober statement of historical fact. Upon what grounds could his right hon. friend found his objections to the conciliation of this power? It was friendly, it was respectable. There existed no reason why it should be feared or persecuted. When conciliation towards the disturbed districts of the country had been mentioned, the indignant retort was, "Are you afraid of them? They are in the hands of the enemy. They are to be subdued, not conciliated." Whatever might be the propriety of this style of reasoning, he begged leave to ask the committee, whether it was no light objec-

tion to an enactment that it tended to alienate the friendly and well-disposed? It was the part of a wise statesman to take a far prospective view of the dangers that might reasonably be apprehended, and to make judicious and provident arrangements for the well-being of society. It was his part to consult every distinct interest that might by possibility interrupt the harmony or endanger the safety of the community. This was the moral dignity and intellectual qualification of a wise and enlightened statesman. It was not from fear that conciliation was now recommended. Fear was a base and detestable motive. He would not disclaim its influence, for the man was degraded who even descended to disavow it. But prudence in avoiding insult, irritation, and injustice, was altogether distinct from fear. Respect for a respectable body in society was justice, as well as prudence. He could not, therefore, be convicted of the charges brought against him; he felt acquitted in his own consciousness; he felt assured that he was acquitted in the judgment of the committee. Neither could he be convinced of the incorrectness of his arguments, for he had received no answer. He had simply made an appeal to those maxims of wisdom under which governments prospered and empires became great; and he must once more repel the imputation of having addressed to the House of Commons any other than the fairest and most incontrovertible principles of legislation.

Mr. *Canning* said, that he would detain the committee but for a few moments. If ever he had risen with caution and apprehension, both as to the topic and as to the persons, whose arguments he had to combat, it was on the last occasion when he addressed them. He had been called on to do so by the nature of the speech which had been delivered by his hon. and learned friend. There were many members then in the House who, perhaps, had not been present when he last addressed the committee; but to those who were, he would appeal whether he had not correctly followed the statements of his hon. and learned friend. If he had not followed his hon. and learned friend throughout, he had, following his example in referring to the models of antiquity, commented upon his strong points, and upon those which had made most impression. If he had dwelt upon particular subjects, it was his hon. and learned friend who had set him the example. His hon. and learned friend had described a despot, and he (Mr. Canning) had naturally, therefore, abstracted the quality from the person, and alluded to despotism. His hon. and learned friend had introduced the topic of the power of the public press, its diffusion from one extremity of the universe to the other, the sacred and mystic manner in which its doctrines were propounded, and the overwhelming influence which it possessed, in a way that justified his (Mr. Canning's) impression, that his hon. and learned friend's object was, to create the impression which he had attributed to him. His hon. and learned friend had portrayed an individual who had for 40 years exercised a kind of despotic power over his fellow men,—who had, as it were, seated between the urns of Jove, dictated his oracles without control. If on this occasion he (Mr. Canning) should allude to the classics, his hon. and learned friend had set him the example, he might then say:

———Arcades ipsum
Credunt se vidisse Jovem; cum sæpe nigrantem
Ægida concuteret dextra, nimbosque cieret.

He was justified in the whole of the quotation, for his hon. friend had spoken of the clouds too in which this mighty being was enveloped: "Quis Deus, incertum est." But to proceed to the argument of his hon. and learned friend, he conceived that it was his wish to expunge a description of crime which the law ought to visit. Now, if this were agreed to, the bill might be abandoned altogether. It had been admitted by this, and decided by the other House, that such an enactment was necessary, and he could not admit the opinions of his hon. friend, without giving up the whole principle of the bill. In the course of the observations he had made, his argument was, that crime, and not persons, should be attacked; and he would attack the crime wherever it was to be met with. The description of individuals connected with the press, to whom his hon. and learned friend had alluded, were, like other men, liable to err, but when they did so to the violation of a law, they must take the consequences. Would it be wise in legislating upon a question of importance, embracing several descriptions of persons as objects, that some of them should be excluded, because they, less frequently, would become in-

fractors of the law?—For himself, he saw no insuperable objection to the introduction of the words desired by his hon. and learned friend; but at a time when the fruitful growth of improper publications proved the magnitude of the dangers to be dreaded, why was a part of the press which none would deny could be converted into an engine of destruction, to be exempted from a law passed for the special purpose of restraining evils which were allowed to have derived their existence from the same machine? He would not object to the definition of the crime made by his hon. and learned friend if it could be introduced consistently with the enactments of the bill. At the same time let it not be understood, that he conceded for a moment that there ever were times in which the monarchy was in more danger, or the parliament in greater difficulty than the present. In conclusion he could not admit, that there ought to be any exception in the bill in favour of particular individuals. His hon. and learned friend had spoken of various kinds of fear. There was, according to his hon. and learned friend, a provident and salutary fear under which the legislature ought to enact its measures and to provide for futurity. But there was also another description of fear, which he (Mr. Canning) hoped the committee would avoid—he meant the fear excited by that fascination which hurried the victim into the jaws of its devourer.

Mr. *Brougham* admitted the difficulty of taking the definition of his hon. and learned friend as to libel without the amendment, for one was inconsistent with the other. He would rather take the whole, or leave the bill as it now stood. His hon. and learned friend and the right hon. gentleman had certainly displayed very great eloquence; a considerable portion of which, however, had been expended in a kind of complimentary contest. In their episode, respecting each other they, to a by-stander, somewhat resembled two lovers who, after a quarrel agreed to meet and accommodate their differences. He certainly rather agreed with the observation of his noble friend that there was no necessity, as applied to the general argument, for the introduction of part of what had fallen from his hon. and learned friend. Still however the argument of his hon. and learned friend was not (as he conceived it) that two classes of men should be distinguished by the bill—for he had not maintained that all the daily writers were to be classed alike—but it was that this bill should not confound the innocent with the guilty. His hon. and learned friend had been misunderstood, if he were supposed to have said any one sentence in favour of intimidation of the House. He (Mr. Brougham) had been on all occasions, and would ever continue to be, a most strenuous advocate of the dignity and privileges of that House. He would be the first, if not the strongest against any attack upon either; but he had never understood his hon. and learned friend to make any such allusion, and if he had even supposed that he had so heard his hon. and learned friend, he should be strongly inclined to distrust the evidence of his own senses. Reverting to the amendment proposed, he would say, that it was extremely difficult to define the nature of such a crime as was contemplated by this bill. But he would ask why should we not content ourselves with what our ancestors had done with respect to seditious and blasphemous libels? Why not, as was done in the act of the 39th of the king, and in Mr. Fox's bill, go by the *voce signatum*. But here, by a particular definition, many cases were left out which ought to come under the operation of this act. Without going further into this part of the subject, he had a strong objection to the present bill, from the extraordinary power which it gave to the ministers of the Crown. In discussing a proposed law, if he could show that it conveyed a discretionary power dangerous to the subject, he had a right to assume that it might be abused. Whatever the motive of those who proposed the bill might be, it was not too much to assume the possibility that they might have successors disposed to oppress or persecute their enemies. What was the power which, under this bill, a secretary of state possessed? He would not suppose that the noble lord would wilfully abuse the power with which he was invested; but he could not make the same admission for those who might succeed him in his office of secretary of state for foreign affairs. This bill gave the power of banishment; but did the committee consider what might be the effect of that punishment? The sovereigns of Europe were at this moment united by a sort of fraternal compact, the nature of which was, in most instances, only known to their subjects by the strictness with

which it was enforced. Could it be supposed that any one of those sovereigns would suffer the subject of the other to remain in his dominions without a regular passport from his own country, or remain at all if he was known to have been an outcast from that country? Suppose another minister acting in the place of the noble lord wished to send a man banished by this bill to a particular place. Suppose he were to say "I will not indulge you by letting you reside in France, or gratify you by allowing you to pass to Italy," was there in such case any thing in the present bill to prevent him? The bill did not provide the party so banished with his expenses in leaving the kingdom. Would not its operation, then, be considered by many as worse than, or at least as bad as, transportation? The only place to which the convicted party might be sent, where perhaps he would be allowed to remain, would be Siberia; and there was nothing in this bill which would prevent his being sent thither. Under the name of banishment, that much severer punishment might be inflicted. But who were they who were most likely to come within the scope of this bill? Not the affluent man, who might—having written, and being convicted of one libel—say, "I will take warning; I will write no more:" no, but those who had no option; those who for their livelihood must continue to write and run the risk of a second conviction; for it was well known, that many of those who were liable to fall under the operation of the measure were rather in humble than in affluent circumstances. They were men who gained a livelihood by writing, and who could not give it over, even with all its terrors and responsibilities. To such a person the boon of the noble lord in substituting banishment for transportation would appear rather of an equivocal nature; for he might not be able to convey himself from the country, and even if he could do that, he might not be able to subsist in another. This was one strong objection which he had to the bill; but there was another which he begged to press upon the notice of the committee. The effect of it would be to send out of the country those political writers, who had so far transgressed the law as to come under the severities which it enacted: but let the committee consider what might be the consequence of such a line of policy. We should be sending them amongst our enemies! He did not mean to say that would be the case in the present pacific state of Europe. The nations of the continent were not now our enemies (and he hoped they would long continue on friendly terms with us), but they might not always continue so; and what would be the effect of sending amongst them such men, who to their peculiar habits, to strong, perhaps violent and criminal prejudices against the government, would then have added the desire of revenge for a supposed injustice done to them; would it not be natural to suppose that they would assist those nations, whether our rivals in peace, or our antagonists in war? This was not an imaginary case. Look to what had occurred in America. Who were those who had proved themselves, the most active, and efficient, as opposed to the interests of England? They were the Irish emigrants, who had been banished from their country at the period of the unfortunate rebellion. Let us look to France: who were those who had supported that country in its most determined efforts against us, who had conducted its newspapers, assisted in its wars, who were colonels of brigades, who had headed troops of spies, to ascertain our most secret movements, and as he had said (and perhaps that was the worst thing which they had effected against this country) who had edited newspapers, inflaming the public minds of other nations against us? Who were these men? They were those whom measures of extreme severity, called for perhaps by some circumstances and in some cases, had banished from their country. Such were the description of men whom this bill would be most likely to affect; and should we not take into consideration, the power and the disposition which, after being so banished, they would have to injure us? The experience of the past, justified him in saying that this was no visionary danger. On the subject of the general licentiousness of the press, which had been held up as a main ground for the present measure, he lamented the absence of the hon. member for Galway, who in general edified and entertained the House so much on all subjects, whether grave or gay. The hon. member had told them to look at the horrid nature of the libels that issued from the press—that of a banker, for instance, it might be told that 400,000*l.* of paper was out against him, and that a pastry cook might be reported to have made patties of the flesh of disentombed

infants, to the ruin of the poor banker, and to the irretrievable disgrace of the unhappy pastry cook. But what would the hon. member say to this bill, which left society still exposed to their infliction? So that on the morrow of the passing of the bill, the banker might, in the natural progress of exaggeration, be accused of having four millions of paper outstanding, and the wicked libeller might assert that the pastry cook made his patties of something worse than the flesh of infants. The bill had no additional security in it for the prevention of libels of this nature. The general licentiousness of the press was not, therefore, an argument in favour of this measure. He seriously felt, that in a bill which professed to purify and correct the press, they altogether omitted the consideration of, if not the blackest, at least not the lightest of its faults. In no period of the history of this country had a more foul and intolerable system of spoliation against private character been carried on than during the last 10 or 12 years. There seemed to be in the public a morbid appetite for those base cates, and there were never wanting those who pandered to the most unnatural propensities. He did not so much blame many of the conductors of some of those publications (though he thought they were without excuse), as he did those by whom they were patronised. This bill would not, however, affect such slanderers as those he had described. Two publications of this nature he had heard of; one of them was named the Satirist, and the other the Scourge; the one of high Tory principles, and the other, not indeed supporting the Whigs, but being in systematic and violent opposition to all the measures of government. The latter of these publications he had never read a line of, but the other (The Satirist) he had been obliged, in the discharge of his professional duty, to look over. He thought it as disgraceful and disgusting an exhibition of low and scurrilous malignity as had ever fallen under his notice. It not only attacked the public principles of those who were of different political sentiments from those which it seemed to espouse, but went into the private history of the most private characters. On one occasion it had entered into the bed-room of a most amiable individual, the ornament of the peerage, and attacked his character with the foulest slanders, which were conveyed to those who were unable to read them by a coloured caricature. Yet, because the editor of that base publication had lent a violent, though injurious support to the measures of government, he was sent out (not banished) but sent out to represent the government, as a consul in New England too, a place where purity of character was esteemed as much as in any part of the world! In the noble lord who had the immediate appointment to those offices, this was no doubt an act of indiscretion or inadvertency, but it was one which he much deplored and marvelled at. An hon. member had on a recent occasion expressed a distaste at the progress of education in this country, as if it were inconsistent with peace and liberty. Although, in answer to what had been impliedly said by the right hon. member for the university of Oxford as to the alternative of our manufactures or the constitution, he would reply—"The constitution beyond all doubt:" yet if it were put to him, whether we should give up the constitution, or that education from which he conceived all moral improvement was derived, he would say, "Perish the constitution, if it can be preserved only at the expense of all that ennobles or improves the human mind." If the progress of that education, which raised man from a rude, savage, and debased state (for they were all the same) to the present happy condition of a civilized being, were inconsistent with a constitutional monarchy, he would rather live under a government less constitutional, than see the mass of the people again brutalized and degraded. He would prefer education and its effects, even without liberty, to the enjoyment of liberty in the darkness of savage barbarism; but God forbid that such an alternative should ever be proposed. He differed *toto cœlo* from the hon. gentleman, and conceived that liberty and peaceful habits, were not only not inconsistent with knowledge, but that they were intimately and closely allied with each other. And as the freedom of the country had been the parent of civilization and of every mental improvement, so it would be monstrous and unnatural to suppose, that it was only by the destruction of that parent that the offspring could be preserved. Education, while it was the friend of every liberal sentiment, was in his opinion the truest security for the attachment of the people to the laws and constitution.

Lord *Castlereagh* regretted with the

hon. and learned gentleman that the press should be made the vehicle of attacks on private character, but he thought the allusion to this point had no reference to the question before the committee. The hon. and learned gentleman had charged him with an indiscreet use of his patronage in the appointment of Mr. Manners to the situation which he now held, but he was surprised the hon. and learned gentleman should be ignorant of the circumstances of the case; for in answer to a question put by him on a former occasion, he had stated, that at the time Mr. Manners was so appointed, he (lord C.) did not know that he had been connected with a publication of such a nature. The individual mentioned was recommended to him by a friend, as a proper person to fill the situation to which he had been appointed.

Mr. *Brougham* said, it was not to the appointment he had objected, but to the principle of continuing him after the fact of his connexion with the work in question was known.

Lord *Castlereagh* said, that that fact was not known until after the appointment appeared in the Gazette, and he did not conceive that any grounds had been adduced on which he ought to have advised his royal highness to remove him.

Mr. *Scarlett* observed, that the ground of the introduction of the present bill was to put down the blasphemy and sedition which issued from a portion of the press. But it went not to that alone, for it confounded the innocent with the guilty, and equally condemned that portion which was respectable, with the vilest and most disreputable part. It classed the innocent man, who by accident was led to the commission of crime, with the deliberate and malignant libeller. The amendment of his learned friend would make this just and necessary distinction. The bill comprised every mode of publication. But the law of libel, as it already existed, not only went to punish the writer of an offensive article, but even all those who were, in a particular way, connected with the work. But as this did not apply alone to the diurnal press, but to almost every species of publication, he would ask, why not define what the libel was? It was said to be "any thing tending to bring his majesty's government into contempt." Now, as the acts of the government were ascribed to, and looked upon as the acts of ministers, the libel would not of course extend to members enjoying the full freedom of speech, and speaking in that House; but this would not be an excuse in a court of law, for there a man might be charged for similar expression of opinion which had only occurred in that boldness of discussion which, he admitted, existed in the present day: he might have no intention to bring his majesty's government into contempt, and yet become liable to all the penalties of the present bill. The publisher, too, however innocent, would be subject to the like penalty. But not only did the act extend to every thing tending to bring his majesty's government, but also "either House of Parliament," into contempt. So that, if a man hazarded an opinion as to the construction of the House, or if he said a word against the propriety of a small place with few inhabitants returning members to parliament, as not being consistent with a popular representation, he might be construed to intend to bring the House of Commons into contempt. He remembered the case of the Walcheren expedition, which he knew was condemned by almost every one who spoke of it. He had not the honour of a seat in parliament at that time, but he was as capable of knowing what was the public opinion on the subject as the hon. member for Corfe-Castle could possibly be from that portion of the public which he represented. But would it be maintained, that the man who should state what he thought on that subject, and who should condemn the policy of that measure, though sanctioned by both Houses of Parliament, meant to bring those Houses into contempt? He contended that if such a principle were adopted, it would destroy every thing like free discussion. The learned gentleman next adverted to the penalty of banishment, and condemned the bill as leaving it to the discretion of the judges whether it should be permanent or not. At the present day, when the judges were vested with discretionary power in many cases, they found it difficult so to apportion the punishment as not to appear to lean too much to the side of lenity or of severity.

Sir *J. Mackintosh* expressed his surprise that the words "maliciously and advisedly" should be omitted in this bill, since they were inserted in the act of the 36th of the king.

The *Attorney General* observed, that this bill did not propose to create any

new offence, but merely to inflict an accumulated punishment upon an offence already known to our law. He therefore objected to the introduction of the word "malicious" in the clause, as unnecessary.

The amendment was negatived.

The *Attorney General* said, that the clause enacting the penalty of banishment on the commission of a second offence, as it now stood, was capable of being construed retrospectively; to obviate which, he should propose to introduce the words, "after the passing of this act."—The amendment was agreed to; after which he proposed, in order to avoid the consequences which the law attached to banishment for life, that the judge should be authorized to banish the delinquent for such term of years as to him might seem fit.

Mr. *Brougham* suggested that the discretion of the judge should not exceed seven years.

Sir *J. Mackintosh* observed, that if his hon. friend's suggestion were not attended to, it must be meant to do that indirectly which it was not thought expedient to do directly—banishing a man for a period of years more than equal to his probable life; and such a mode of proceeding could not be too strongly deprecated, as inconsistent with the openness and dignity of the English law.

The *Attorney General* avowed that it was not intended to abandon the principle of banishment for life in cases of aggravated guilt.

Lord *Castlereagh* submitted in the case of Mr. Carlile, who, in the face of the courts of the country, thought proper, after conviction, to persevere in selling the libels to which that conviction applied, whether on the second conviction of such a person it would be seemly or right to allow him to remain in the country?

Mr. *G. Lamb* begged those who defended this clause, on the ground that former statutes had authorized banishment, to reflect on the circumstances under which those statutes had been enacted. The 39th Eliz. had certainly introduced the punishment of banishment; but it had substituted that punishment for others of the most degrading kind. The class of offenders to whom that statute applied were, before its enactment, liable to be placed in the stocks, to have their ears cut off, to be branded on the forehead with the letter C, and to be made slaves for two years. These ignominious punishments were found insufficient to check the crimes of the persons who were subjected to them, and therefore they were abolished, and the severer penalty of banishment was resorted to. This showed what opinion the legislators of Elizabeth's time entertained of the punishment which the ministers of the present day thought so mild.

The amendment was agreed to. On the question "That the clause so amended stand part of the bill," the committee divided: Ayes 109. Noes 30. Majority 79.

*List of the Minority.*

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|---|---|
| Bennet, hon. H. G. | Lamb, hon. G. |
| Brougham, H. | M'Leod, R. |
| Beaumont, J. W. | Mackintosh, sir J. |
| Byng, G. | Martin, John. |
| Calcraft, J. | Moore, Peter. |
| Compton, lord | Philips, G. |
| Denman, T. | Pringle, J. |
| Davies, T. H. | Ricardo, D. |
| Ellice, Ed. | Robarts, A. |
| Ebrington, Visc. | Scarlett, James |
| Fitzgerald, Ld. W. | Smith, W. |
| Fleming, John | Webster, sir G. |
| Folkestone, lord | Wilson, sir Robt. |
| Grant, J. P. | Wood, alderman |
| Graham, J. R. G. | TELLER. |
| Hume, Jos. | Bernal, Ralph |
| Kinnaird, hon. D. | |

Mr. Alderman *Heygate* said, that he approved of the measure because he believed it to be necessary; but as the causes which required it were, in his opinion, of a temporary nature, the remedy applied to the evil should not be permanent. This measure might be tried for three years, and at the end of that period it might be renewed, if circumstances should then require its continuance. But he begged the House to recollect, that if they passed this as a permanent measure, it could not be repealed without the concurrence of the other House of Parliament. He therefore moved for leave to bring up a clause for limiting the duration of the bill for three years.

The motion was seconded by Mr. Denman, opposed by lord Castlereagh, and negatived.

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## HOUSE OF COMMONS.

*Friday, December 24.*

BLASPHEMOUS LIBEL BILL.] On the order of the day for the third reading of this bill,

Sir *R. Wilson* could not suffer this opportunity to pass without once more entering his protest against the measure. He thought it was one which was calculated to enslave the country. Whether ministers would abuse the power which it gave them, he would not say; but whether they did so or not, he objected to the bill as a measure, which, under the pretence of putting down seditious libels, went to cramp every thing like free discussion upon political subjects. In the name therefore of the free people of England—not the people without the government of King, Lords, and Commons, but the people with the sovereign at their head—he protested against this measure, as one which would alter their excellent constitution. He condemned it the more as being part of a series of severe enactments against public liberty, without being accompanied with even an attempt to inquire into the condition of the people, or the cause of their distresses.

Sir *H. Parnell* begged to remind the noble lord of the situation in which the bill would place Ireland. It would, in her situation, be much more severely felt than in England, for she had already restrictions on the press which were not known here. He alluded to the power which was exercised of withholding stamps from the proprietor of a newspaper after his conviction for a libel a second time. There were also several regulations with respect to stamp duties on the smallest papers, even hand-bills, which were not known here. He trusted, therefore, the noble lord would take this matter into consideration, and introduce some measure upon the subject.

The bill was then passed.

Petition of the Merchants of London respecting Commercial Distress.] Mr. *Irving* said, a petition had been put into his hands, signed by a number of respectable persons, merchants and traders of London, whose object was to call the attention of the House to the commercial distress of the country. These persons approached the House with no factious views. They did not desire to interfere with or interrupt the course which parliament might desire to take on other questions, and they were the rather convinced that ministers would not be inattentive to their requests, because they had made efforts lately to meet the wishes expressed in the petition of another respectable trading body. They thought they had a right to expect that parliament and the ministers would examine into the causes from which the distress had arisen. He had no instruction to state by what measure the petitioners imagined that relief would be found. On his own part he suggested, that in the course of an inqu ry, the attention of the House would be probably called to that system of restriction and restraint, which, though it might have been advisable in time of war, was hardly desirable to be continued in a time of peace. He thought too, they might look for some benefit to the commerce of the country by an extension of the trade in the Eastern world, and that even under the article of the East India Company's charter, some arrangements might be made in favour of our shipping interest. He alluded to the trade between China and the continent of Europe, in which the India company took no interest, and which was now entirely carried on under the American flag. He believed it would be found, too, that the change in the currency of the country was one of the chief causes of the evils that were felt among all classes of the community. But he entirely agreed on this subject with the House, that it was not now wise to retrace the steps that had been taken. A fit object of inquiry, however, was, whether the several stages of the return to cash payments could be modified? He alluded particularly to the bullion payments, and to the question which had been started, whether the price fixed for bullion in the first payment should not continue during the whole time of the preparatory transaction? It should be inquired also whether payments in silver might not answer all purposes as well as gold? He had no fear, however, that gold or silver would be applied for. There was nothing in our foreign relations that induced him to apprehend it. But fears on these subjects out-run facts. The prudent, the cautious, or the timid, were afraid that the system might burst on them, and their efforts to escape apprehended evils was one great cause of the real distress of the country. He did not think a committee of inquiry would find much ground for expecting relief from the proposals of his hon. friend, the member for Portarlington. An inquiry into the corn laws on the principle recommended by his hon. friend would only, in his opinion, bring

the agricultural into the state of the commercial interests. Neither did he expect much from inquiries into the poor laws or taxation; still less from the proposal for paying off the national debt. These, however, were merely suggestions on his part, without communication with the petitioners. He hoped, in the course of the adjournment, the ministers, and particularly a right hon. gentleman in his eye would inquire into the subject of the petition.

The petition was brought up and read. It sat forth "That the Petitioner, being deeply impressed with a sense of the present distressed state of the commercial and manufacturing interests, of the general want of confidence, and of the extensive and increassing evils which are the natural consequence of this state of things, and therefore of the pressing necessity that legislative measures should as soon as possible be adopted for the relief of those interests; and the Petitioners, being apprehensive that the House is about to adjourn without having adopted any measures tending to an inquiry into the causes of those evils, and being at the same time satisfied that if such inquiry were to be instituted the result would be extensively beneficial, by laying open those causes, and bringing under the view of the House the means by which the Petitioners confidently believe that the existing evils may be alleviated and eventually removed; the Petitioners most earnestly entreat, That the House will be pleased to take this important subject into their most serious consideration, and that such inquiry may be instituted as shall put the House into full possession of the various causes which have operated with such lamentable effects, and thus enable the House to form a correct judgment of the measures which it may be expedient to adopt for the remedy thereof."

Mr. *Grenfell* said, he could not see any practical end that was openly proposed by the petitioners, but he had reason to complain that they, having, as they seemed to think, a remedy in view for the distress of the country, allowed the House to sit for a month, and afterwards to determine on an adjournment, without coming forward. When he heard last night that a petition, purporting to come from the merchants and traders of London, had been put into the hands of an hon. member, he was very much surprised, as he had passed the greatest part of Wednesday and Thursday in the city in company of merchants and bankers, without once hearing of it. However he had made it his business to go into the city specially to inquire respecting the petition this day, and he had inquired of a great many merchants and bankers, but except two or three who had signed, and one who had been applied to to sign, no one had heard a word of it. He should begin with the person who had been applied to. This was a Russia merchant of the first eminence, and he had been applied to by a friend who begged him to go to a certain tavern, where this petition was lying, to sign it. He asked what was the object? "Oh," said the applicant, "it comes from the other end of the town—from lord Castlereagh. The hon. member for Shrewsbury had made (he said) a motion partly political and partly on the distress of the country, and lord Castlereagh had objected to it, but said that if an inquiry had been proposed merely into the distress of the country, it should have his support. The object was to present a petition solely directed to the latter purpose." His friend said, that if the petition came from lord Castlereagh, or any minister, he should have nothing to do with it—and he was right. He then applied to a gentleman who had signed it, a member of one of the greatest commercial houses in this country, or in Europe. He had asked this gentleman what was the object of the petition, and why he signed it? He said he signed it to oblige a person who dealt with him, and because, though it was a milk-and water thing, and though he knew not to what it tended, he did not see it could do any harm. From another person to whom he applied, and who had signed it, he received an answer saying, that he signed it at the request of a gentleman, who begged him to sign it at one or two o'clock, and told him that after three it would be too late; that he confessed it seemed to him ridiculous, but he also thought it harmless; but on farther consideration of what might be the object of it, he was sorry that he had signed it, and wished he could withdraw his name, particularly if it was founded on any reference to the circulating medium. He was aware that a petition was only to be taken as the petition of those who signed it; but this would go forth, in some measure, as the petition of the merchants and traders of London. If the hon. gentle-

man who brought forward the petition had confined himself to the question of the China trade, he should be disposed to agree with him; but at the end of the hon. gentleman's catalogue the "murder was out;" the currency! the currency! was the source of all the evils of the country! He believed this petition proceeded from a party, who had been cramped in their speculations in the funds, or in their over-trading, which was a species of gambling, by the measures for restoring the currency to a sound state. They had also been aware that they had lost in public confidence by the opinions of other men having been adopted by the general opinion of the country, and they were now endeavouring to excite an alarm, and to induce parliament to return to a system that had half ruined the country.

Mr. *Irving* said, he had had no intercourse with the petitioners, but had been only requested by them to present the petition to the House. But he saw names affixed to it as respectable as that of the hon. member himself. The majority was composed of the most respectable names in the commercial world—and if small in number it contained a body of wealth and consideration which demanded attention from that House. They called for no specific enactments, and he, in mentioning some considerations that occurred to himself, had expressly stated that he was not instructed to state them, but that they were entirely suggestions of his own. As to the resumption of cash payments, he confessed, that however much he had differed from others, not as to the result, but as to the means to be taken to insure it, he should now be most unwilling to disturb the existing enactments; because, chiefly, the country had already suffered a great part of the inconveniencies which could result from that measure. By the advocates of the law that end was to be reached by privation, which he had conceived might be attained by a course of prosperity. He would say, it was his most deliberate conviction, that a great part of the evils which afflicted all classes in the country, had been owing to the measures taken respecting the currency; and though the subject had not been the study of his life, he would, if the question came again to be discussed, not be afraid to meet either the hon. gentleman, or any of his disciples in argument; and he felt, that in opposing the hon. gentleman, he should be supported by the opinion of the country. With respect to the private letter and personal communications with some who had signed, and with others who had declined to sign this petition, to which the hon. member had thought proper to refer, with a view to cast reflections upon the character of the petition, he must say, that some reproof was due to those from whom such letters and communications came. He had, he felt, said quite enough to prevent any undue impression from being made upon the House by the representations of the hon. member, or by that ridicule or levity which he had thought proper to introduce upon this subject. But he could not help adding, that the hon. member's levity was extremely misplaced on this occasion. A question indeed, involving the consideration of the mercantile and manufacturing interests of the country, was of too grave and important a nature to be mixed with any thing like levity. But there were many observations addressed to the House, by the hon. member, upon this occasion, which, however much he differed from him, and especially upon the bullion question, he by no means expected from him. With respect to the object of the petition, he trusted that ministers would feel the propriety of taking that object into their consideration, and founding some measure upon it; but if not, he hoped that House itself would, immediately after the recess, institute a thorough investigation upon the points to which the petitioners sought to draw its attention.

Mr. *J. Smith* regretted that the hon. gentleman had not withheld the reflections in which he had indulged on the petition. The gentleman with whom the petition originated, was a merchant of the first eminence and respectability, both for wealth, talents, and personal character: from the nature of his mercantile connexions, he could not enter into plans of speculation; but, at the same time, were he disposed to speculate, none had better means of doing so, on the score of wealth and credit. He could assure the House, that the petition had no connection whatever with the noble lord (Castlereagh), any more than with a person in another world; and he had reason to believe that the noble lord had not even heard of it till last night. This gentleman had called on him (Mr. S.) to ask his opinion on the propriety of such a petition; and he confessed that he had ap-

proved of it. In the conversation which took place, that gentleman did not say any thing that could warrant the remarks which had been read by the hon. gentleman. The bullion question, in particular, had not been mentioned at all. They had talked of the great distress of the manufacturing classes, of the two motions for inquiry into that subject, and of the grounds upon which ministers had opposed those motions. The motion of the hon. member for Shrewsbury had been opposed, because it blended the consideration of other political questions with the inquiry: and that of the hon. member for Southampton was opposed, chiefly because it was founded on the plan of a gentleman (Mr. Owen) who held opinions on certain subjects different from those of other persons, although, perhaps, it would have been well, if that gentleman's opinions on some subjects, particularly on education, had been attended to. It was, therefore, inferred, that if a proposition for inquiry, free from the grounds of objection which had been urged against both the former motions, were submitted to parliament, ministers it was likely would accede to it. But as to the gentleman with whom the petition originated, he had no connexion whatever with ministers; but, on the contrary, entertained, he believed, political opinions of an opposite nature; and so far from his having any view to the bullion question, he knew him to be the firmest friend to the plan for the resumption of cash-payments. The gentleman of whom he was speaking, did accordingly draw up the excellent and moderate petition which had been read to the House. As far as concerned his hon. friend who had spoken last, and who had spoken so well, he could vouch for the fact, that he knew nothing of the petition till he was requested to present it. He had himself been applied to on the subject of presenting it, and had thought that his hon. friend, the member for Taunton, would be the most proper person, but it was ascertained that he was not in town. He had then suggested his hon. friend on his right (Mr. Ellice) but he had declined it. It then appeared to him that his hon. friend would be the fittest person, he being one of the most eminent merchants in the kingdom, and one whose opinions were likely to have the greatest weight. If the hon. gentleman had known the time allowed for obtaining signatures, instead of remarking on the smallness of the number, he would have been inclined to express his surprise, that so many names should have been affixed to it in so short a time. He hoped the House would receive the petition, and take the subject into consideration at as early a period as possible after the recess. If the prayer of this petition were attended to, it would at least give a ray of hope to the suffering part of the community.

Mr. *Ricardo* was happy to hear it stated by all the hon. gentlemen who had spoken, that the laws enacted last year concerning the currency of the country, ought not to be disturbed. The country was, unquestionably, in a state of great distress, but he differed in opinion from his hon. friend who presented the petition as to the cause of that distress. His hon. friend thought that this country was in a state of forced currency, and that the evils both at home and abroad arose from the regulations which that House had made relative to the currency. That cause, however, he was convinced, was totally inadequate to produce such an effect, and therefore the evil must be traced to other sources. He might here remark, that his hon. friend had brought an unexpected accusation against him, namely, that he had proposed a plan for the regulation of the currency, but that he had not the merit of originality. Now, he did not think that he had ever claimed that merit, for he was aware that many persons before his time had taken a similar view of the subject, and he hoped that whatever might be the merit of the application which he had made of principles known to others, he had stated his opinions with becoming modesty. He conceived that the distress was chiefly to be ascribed to the inadequacy of the capital of the nation to carry on the operations of trade, manufacture, and commerce. But why was the capital more inadequate now than formerly? If the profits on capital were higher, and labour more productive in other countries, it could not be doubted that capital would be transferred to those countries: no proposition in Euclid was clearer than this. Now, he thought they had greatly aggravated this evil by bad legislation, and he had formerly mentioned instances. He had referred to the corn-laws as one example; and however unpopular the doctrine might be with some gentlemen, he would state his opinion freely, that he believed the corn-laws to have materially increased the evil.

These laws had tended to raise the price of sustenance, and that had raised the price of labour, which of course diminished the profit on capital. But of all this evil, the national debt, and the consequent amount of taxation, was the great cause. Hence the main object of the legislature should be to provide for the payment of that debt, and that provision should commence its operation as soon as possible. For as this debt was chargeable upon all the capital of the country, it was obvious that any capital which went out of the country was exonerated from that charge, while the capital which remained was of course compelled to pay a greater proportion of debt and taxes. To guard against this evil, which was productive at once of individual injustice and national injury, the whole capital of the country ought to be assessed for the discharge of the public debt, so that no more capital should be allowed to go out of the country without paying its fair proportion of that debt. The execution of this plan might be attended with difficulty, but then the importance of the object was worthy of an experiment to overcome every possible difficulty. The whole of the plan through which he proposed the payment of the public debt, might in his view be carried into effect within four or five years. For the discharge of the public debt, he proposed that checks should be issued upon the government to each purchaser, which checks should be kept distinct from the ordinary circulating medium of the country, but should be received by the government in payment of taxes. Thus the debt might be gradually liquidated while the government continued gradually receiving the assessments upon capital to provide for that liquidation. He would not, however, dwell farther upon this chimerical project, as he understood it was considered by every one except himself, but proceed to the consideration of the petition, his hon. friend proposed, as particularly worthy of attention, that a committee of that House should inquire into certain restrictions upon commerce, with a view to their removal. But his hon. friend should reflect, that no immediate effect could be reasonably expected from the labour of such a committee for such a purpose, as the restrictions alluded to, however burthensome, could not be suddenly removed. This removal must, indeed, take place by slow degrees, entwined as they were with the general system of the trade of the country. But still great good might be expected from the investigations of such a committee, who would, he hoped, enter particularly into the consideration of the corn laws. His hon. friend had suggested that a certain modification should take place in the arrangements made towards the removal of the restrictions upon the Bank, namely, that the Bank should not be called upon to pay in bullion until the period arrived for such payment at the lowest rate. Now he, on the contrary, thought that it would be much more for the advantage of the Bank itself, to make the payments in the order already settled; because such payments being made gradually would serve to break the fall, and prepare the Bank for the complete resumption of metallic payments. The only modification, indeed, which he deemed desirable on this subject was, that the Bank should be called upon permanently to pay its notes in bullion, instead of coin; for he could not conceive the policy of incurring the expense of coining gold merely for the purpose of the currency, which could be answered as well, if not more conveniently, by paper. The only object to be provided for in this case was, that the real value of the paper should be equal to its denominative value, according to a settled and universal standard of value, or according to its nominal amount in coin. His hon. friend had recommended the establishment of two standards of value, namely, silver and gold; but this was a project, in his opinion, peculiarly objectionable, because, if there were two standards, there would be greater chance of variation, and the establishment of the least variable standard of value was the object to be desired, with a view to maintain the character of our currency.

Mr. *Finlay* was an advocate for the object which the petition had in view, although he could not help thinking the question proposed for inquiry extremely complicated. It would perhaps be better to take one branch of this great question at a time than to enter into the whole of it at once. The freedom of trade was, no doubt, a sound principle in theory, but gentlemen were not generally aware of the difficulties which presented themselves, when an attempt was made to carry that principle into practice. The distress of the country, at present, he attributed to over speculation, over importation, and over manufac-

ture. He differed, therefore, from the hon. member for Portarlington, who considered that distress as the fruit of excessive taxation, the corn laws, and high wages, which, according to that hon. member, disqualified this country from selling our manufactures as cheap as other countries, where the taxation and wages were comparatively less. But how did the fact stand? Why, that in the cotton trade, the manufacturers of which were the most distressed at present, we were enabled to undersell all the foreign manufacturers in their own market. What, then, became of the hon. gentlemen's theory as to taxation and low wages, and their effects? The people engaged in manufactures were no doubt suffering hardships, which every good man must deplore. But while they suffered from low wages, and especially in Scotland, it was to be recollected, that their wages were better than the same class of manufacturers received in Germany and America; for the distress of trade was universal, and this formed the aggravation of our distress. The hon. member expressed his persuasion that ministers were disposed to do every thing in their power for the alleviation of the public calamity.

Mr. *W. Douglas* thought inquiry most imperiously called for; for unless the grievances of the people were considered, and their distress relieved, no hope could be entertained of permanent tranquillity. When the people were in distress, and discontented in 1812, coercive measures were adopted, but no steps were taken to relieve distress or remove the cause of discontent. Upon the recurrence of distress and disaffection in 1816 and 1817, coercive measures alone were again resorted to; and now, in 1819, the same course was to be followed. But after such recent experience, was it wise to persevere in such a system?

Mr. *Brougham* regretted the harsh expressions towards the petitioners which had fallen from his. hon. friend the member for Marlow. Was it no disrespect to eighty of the most considerable merchants of London to say that they belonged to the anti-bullion party, and were influenced by such feelings alone in their application to that House? Had his hon. friend, before he gave vent to such observations, allowed himself to have perused the names appended to that petition, he would have checked himself, and not charged some of the greatest capitalists in the metropolis with being of a description of persons who had overtraded without the possession of any capital. It was plain indeed that his hon. friend's extraordinary zeal on bullion and Bank questions had, on the present, as on other occasions, led him too far. Had he, without even reading the petition, looked only to the signatures, he would have found in them a sufficient guarantee of their respectability—he would have found amongst them also some of the most respectable supporters of the bullion principle as any members in that House. He could mention the name of one, Mr. M'Caulay, who though not in general disposed to the views of Opposition, had, from the commencement, entertained the soundest views on that question. There were others of the petitioners who were formerly members of that House, who had been members of the very bullion committee. It would appear also, that the House of Commons was not the only House in which divisions existed, for he believed, that the hon. member for Marlow, if he had read the names, would have found that of his own brother affixed to it [hear, and no!]; if not his own brother, at least a very near connexion. But it was said, why delay the presentation of the petition to this day, when the House was so near to the adjournment? There was this good reason, this natural solution of the delay—that the petitioners waited under the hope that parliament would have done something to meet existing difficulties, without their intervention. He agreed with them that the attention of parliament ought to be speedily directed to the question, and having said so, he took the present opportunity of stating in answer to applications made to him as well by hon. members of that House, as by other gentlemen out of it, to know whether it was his intention to submit any motion on the commercial distresses, that he had no such intention. He was induced to that decision from the result of his exertions three years ago, when his proposition was met by a motion to read the other orders of the day. Besides, it was his conviction, that any proposition for such a change in the commercial interests of the country, as was suited to the altered state of our political relations with other nations, could be attended with no beneficial effect, if undertaken by any person not connected with the administration. It required the government to bend its whole attention to the subject. They had better means than any individual

member could have of acquiring the fullest information on the subject. They ought to undertake it, on their constitutional responsibility. To carry to its accomplishment such an investigation—to decide amidst the conflicting interests which beset it in every stage of its progress, demanded a strong and efficient government. He agreed with his hon. friend (Mr. Ricardo), that nothing would be more fatal than any interference with the system adopted last session relative to cash payments. Any thing calculated to favour any cry against that arrangement, would inevitably increase the mischief. It was to be recollected, that those persons who most urgently pressed its adoption, had never shut their eyes to the fact, that some embarrassment must attend the change from the one system to the other. He agreed with him also, in the conviction, that the desired alteration in our commercial relations could not be the work of a day, from the nature of the interests opposed to each other; it was necessary, then, that the change should operate over a space of time. There was however one point on which he had wished so great an oracle, as he must ever consider him on such subjects, had not pronounced the decided opinion he had. He alluded to the possibility, or, if possible, the adviseableness of paying off the national debt. The proposition was not a new one—it had been years ago suggested by Mr. Hutchinson, indeed, he believed every chancellor of the exchequer had a similar proposition made to him every year. It had in more recent times been brought before the public by Dr. Watson, bishop of Landaff, and, with the highest respect for the talents of that meritorious individual, he could not consider that production as the most favourable specimen. The effect of such a measure would be to place the property for five years at the mercy of all the solicitors, conveyancers, and money-hunters, in the country.

Lord *Castlereagh* agreed in every thing that had been said relative to the respectability of the petitioners, but he could not allow that House to separate under an impression, that the commercial interests of the country were overlooked or forgotten by the ministers of the Crown. With them it was an object of great solicitude. If any practical view opened on the minds, either of the petitioners or of the hon. gentleman who presented it, his right hon. friend at the head of the board of trade would, he had no doubt, be most anxious to receive the communication. With respect to the reference made to the great question which employed the attention of parliament last session, he, who had during that discussion been fully aware of the pressure of the remedy, agreed with the learned member, that every principle of practical wisdom and state policy required that not a doubt should be suffered to exist as to the arrangement being carried into effect.

Mr. *Ellice* heard with regret from the noble lord, that in place of the government on its own responsibility taking up the inquiry into the public distress, for the purpose of providing that relief, which must be applied, and quickly, the noble lord had left it to the proposition of individual members of that House. As to what had been stated by the hon. member who denied the effect of taxation on the manufacturing distresses, he differed from him most decidedly. If some arrangement was not effected before the period for the bullion payments arrived, under such a system of taxation, he feared an alarming crisis was near.

Mr. Alderman *Heygate* said, he imputed the distresses to the great diminution of the currency, which had been for a long time gradually going on. When nine millions had been withdrawn from the circulation, great mischief and distress must have been the result. He believed much of the confusion had already taken place, and from what he heard from various parts, confidence was reviving. Let government but state the extent to which the diminution of the circulation should go, and the distress, the effect of uncertainty and want of confidence, would quickly disappear.

The petition was ordered to be printed.

## HOUSE OF LORDS.

*Monday, December 27.*

Newspaper Stamp Duties Bill.] Lord *Sidmouth*, on moving the second reading of the bill, congratulated their lordships on the progress that had been made in effecting the purpose for which they had been called together, this being the last of the bills which it had been thought necessary to propose. Their lordships and the other House of Parliament had met the difficulties and dangers of the crisis in a manner the best calculated to stem them; and the measures that had

received the assent of the Crown had already had a beneficial effect in correcting a part of the evils against which they were directed. It was deeply to be regretted that the evils to be provided against should arise out of the abuse of what were undoubtedly the privileges and the rights of the people—the freedom of meeting to discuss grievances, and the freedom of the press. With regard to the first, every care had been taken not to interfere with the legitimate right of meeting; and the fact was, that every meeting that could be made available for the purposes of actual free discussion, was not only left untouched by that act, but by the regulations of the act they were rendered more available to the lawful purposes for which they were intended. To regulate the public press was certainly a matter of greater difficulty, so as to steer clear of trenching upon its freedom. But to the objections in certain quarters, that it was better to do nothing, he could not agree. The present bill proceeded upon the unhappily notorious fact, that blasphemous and seditious publications had been circulated to a great extent; and when it was said that these publications would find their antidote, and that it was unnecessary to restrain them by law, he would refer their lordships to a great statesman, who had observed how dangerous it was for a man to try how much poison his constitution would bear. That the poison circulated by the publications which this bill was intended to restrain, must produce an effect greatly to be deplored, could scarcely be doubted, when it was considered that in every cottage in some districts of the kingdom (he thanked God not in all) were these poisonous publications disseminated. His lordship described briefly the provisions of the bill. The great obstacle had been, the difficulty in finding out the actual printer or publisher of these blasphemous and seditious works, he generally contriving to issue his works only to those upon whom he could depend. Thus five informations had been filed against Carlile, as the vender of a seditious publication, because Sherwin, the printer, could not be found. The regulations in the bill, upon this and other points, would, he trusted, have the effect of checking the circulation of those poisonous publications, and he trusted also that their lordships would not hesitate to pass it, seeing, as they must, that blasphemy and sedition had entered into a conspiracy against the religion and the constitution of the country, which could only be effectually put down by the strong arm of the law.

The Earl of *Donoughmore* said:—Ministers have, then, at last wound up, to a happy and appropriate conclusion, by this attack upon the freedom of the press, those measures of indiscriminate coercion, that system of pains and penalties which they had devised against a suffering and a prostrate people, and which have been carried into complete and unrelenting execution by overwhelming majorities in both Houses of Parliament—those ready instruments in the hands of the servants of the Prince Regent, to keep his majesty's subjects down—that best of all possible arguments, in the opinion at least of the noble knight of the Thistle on the cross bench, in favour of their own practice, whatever that practice may happen to be. Such are the true characteristics of these fearful measures.—But what is the light in which we are called upon to view them by their authors and abettors on the other side of the House? Instead of a successful attack upon the liberties of all the people, the noble earl in the blue ribbon has not hesitated to take credit for these enactments, as a mild system of remedial measures—measures of peculiar grace and mercy towards the whole community, necessarily called for, for the protection of the faithful subjects of the state, against the inroad of certain impending dangers, which, however, have come into existence—have been born and bred, and have arrived at full maturity, during the very short period which has intervened since the last prorogation of parliament. If ministers had been aware of the impending storm, is it possible that they could so far have neglected their duty as to have sent the members of both Houses home, without giving them some authentic intimation of the dangers with which the country was encompassed? And is it not making too great a demand upon our credulity, for ministers to call upon us to believe, that in four short months this mushroom rebellion has sprung up, and has already assumed so formidable an appearance? What, then, is the result of all this? My lords, I do not feel myself entitled to believe that disaffection has extended itself widely. I am not bound to give implicit credit to the representations which ministers think fit to make in their

places in parliament; and that garbled statement which they have presented to both Houses with so much form and solemnity I think it my duty to reject; because it is offered as conclusive evidence against the people of these countries, for whom evidence was offered to be produced at the bar of both Houses of Parliament. But ministers refused to hear a word in their defence, and are now prepared to complete this the last act of outlawry against them, on the mere uncorroborated statement of their inveterate prosecutors, the ministers of the Prince Regent, and without a tittle of such evidence as would, or ought to be received, in any court of justice. My first and main objection then to these measures is, because a sufficient parliamentary ground has not been laid to authorize so serious a proceeding as the stripping the subject of any part of his constitutional privileges. I have another objection against the conduct of ministers, in urging the enacting of these heavy penalties as general measures, because, upon the showing of the ministers themselves, they were devised as the cure for insubordination and turbulency in a very few districts only, and those very particularly circumstanced—and because ministers have, notwithstanding, prevailed upon the parliament to pass a general sweeping system of coercion against the whole community. I have a farther ground of objection, because Ireland has been included in the wide-spreading proscription—whereas her acknowledged tranquillity and peaceable demeanor ought to have made her a very unfitting object for any new measures of severity, and inasmuch as the present measures cannot by any possibility affect her present situation, or even bear upon her former habits, when she deserved less well of the general community than she does at present; and because there has been nothing to justify suspicion against her in the remotest degree, or to prepare her for this cruel infliction, except, perhaps, her having been recently honoured by the panegyric of the ministers. The very principle on which these measures are founded, strikes my mind as in the highest degree objectionable, inasmuch as they draw a wide line of demarcation between the different orders in society, between the many and the few, the rich and the poor, the task-masters and the effective part of the population, teaching to the people this worst of all possible lessons, that in the eye of the parliament at least, their interests, and those of the higher orders, are inconsistent with each other—and again, because in these their lines of demarcation, ministers have overlooked that most appropriate of all distinctions, the separation of the innocent from the guilty.—My lords, I object to the whole of the machinery with which ministers have preceded and accompanied these extraordinary measures. They have taken the head of the state from that dignified retirement in which he is placed in the sanctuary of the constitution—from which he is produced to the view of his people in his own proper person, only for the purpose of exercising the high function of giving or refusing his sanction to the enactments of both Houses of Parliament, or the higher function still, of dispensing the heavenly prerogative of mercy. But ministers have broken into the sanctuary. They have brought the illustrious person to give a precipitate approval of the massacre of his father's subjects, and to influence thereby, as has been too fatally proved, the conduct of magistrates, and, as I fear, of juries too; thus closing the door of justice against the unfortunate victims in the tragedy which was exhibited at Manchester, on the 16th of August last. And lastly, I object to those measures, because some of their most eloquent advocates have thought it indispensable for them, in arguing their necessity, to vilify and to degrade that important part of the constituency, the people, even below the humble rank which they are acknowledged to hold in the community of the state. This may, perhaps, have been a popular topic for the moment, according to the extra-aristocratic feeling of the present day. But this argument, if it deserves the name, could surely have been intended for no other purpose but to exhibit the happy dexterity of the elegant artist in the most vivid colours, whilst he left the case just where he found it. But, according to my view of the subject, the just composition of the state assigns to that reprobated thing, the people, no inconsiderable place. The people form the great body of the social community. It is from them that it receives its form and consistency. They are the sinews of the nation's strength in war; and in peace, the humble instruments of its commercial prosperity. It was that reprobated thing, the people, which fought us through the long and arduous contest which has crowned with glory the British and the Irish name; and

has borne the triumphal car of Waterloo's distinguished chief to conquest and to immortality.

The Duke of *Athol* said, he had most conscientiously voted for these measures, being thoroughly satisfied that they were imperiously required by the state of the country. He was satisfied they would prove highly satisfactory to the great majority of the country.

The Earl of *Harrowby* observed, that no one could have anticipated the occurrences which took place during the recess, and that ministers, by waiting until now, only showed a disposition to trust to the existing laws, as long as they could do so with safety. Besides, the refusal of the noble lords on the other side to assent to them even now, was a proof of the difficulties that must have attended their proposal at any former period. With the exception of London, Westminster and Southwark, no petition or remonstrance had been presented against them. The silence of the people could not be disputed; and if ever there was an occasion to which the hackneyed quotation *dum tacent clamant* might be applied, it was the occasion of which he was speaking. From this disposition he augured favourably of the future tranquillity of the country, and thought that government, by looking the danger in the face, had pursued the only practicable measure of conciliation, that of providing for the safety of the well-disposed subjects of the Crown.

The *Lord Chancellor* said, he had voted for the present measures, because he conceived that their necessary tendency was, to secure the peace of the country, and to promote the happiness of the people. This was the end and aim of all just government; but he must deny to those who were endeavouring to disturb society the character of being the people. Upon that understanding he would say, that the bills in question were calculated to add to the happiness, and to defend all the constitutional rights and interests of the subject. The meeting of parliament ought, indeed, in the present state of the country, to be regarded as a blessing, independently of these measures. How often had it been asserted and resolved in public places, that a certain meeting had been a legal meeting? Yet, was there one man in either House of Parliament who had dared to avow such an opinion? Other meetings, however, had been held in such numbers as to produce terror, and thereby alone to be rendered illegal. At some of them banners were carried bearing the inscription of "Liberty or death," and the old song "Give us death or liberty," was sung in full chorus. So he said too; he joined in the sentiment; he hoped an Englishman always would be found to prefer death to the loss of liberty. But what sort of liberty was intended, or what could be fairly represented by bloody flags, and black flags, by inscriptions of "Vengeance," and "Let him who has not a sword sell his garment and buy one" He must confess, that before parliament had assembled, his alarm was great; but the majorities which had supported these measures, and the quiet produced already, showing the confidence which was reposed in parliament, had put an end to his alarm. He would now shortly advert to these proceedings, one of which was, to prevent men from assembling together, as they had done, in numbers from 30,000 to 50,000. This the noble earl called coercion. He could not understand how such a term could apply to such a law. Was it possible that these multitudes could carry on any thing like debate, that they could calmly discuss their grievances, or make any rational progress towards their removal? The bill authorized men still to meet—to meet with those whom they knew, in a manner calculated to answer the purposes of debate, and to enable them to come to a right conclusion. Then again with regard to drilling and training, were not these practices which ought to be put down? Though the subject had certainly a right to keep arms for his own defence, he had no right to keep arms for any other purpose. By the express language of the Bill of Rights, which confirmed the general principle as to the subject's right, the right also of the legislature to interfere was asserted. With respect to the traverse bill, it had undoubtedly in its progress received improvements, which reflected great credit on a noble lord (Holland). It had been observed in another place, that the noble lord was a Whig of the first distinction, but that he (lord Eldon) was no Whig at all. In the modern acceptation of the term, he was certainly not a Whig; but he nevertheless hoped he had always followed in the path marked out to him by the example of lord Somers, and those truly great men who brought about the Revolution. Not one inch would they ever go beyond the strict necessity of the

case, and by the same rule would he always govern his public conduct. Referring now to the bill for regulating the press, he was ready to admit that the liberties of Englishmen had not only been sustained and supported, but in some degree obtained by the freedom with which it exercised its powers. For the same reason, it was important to take care that it should not be destroyed by the same means. Blame had been cast on a learned person who had filled an office which he himself once had the honour to hold, for not having prosecuted libels more effectually. For his own part, he did not know how that learned person could have acted with more effect. The late publications were quite a novelty in this country. When he was in office, he never heard of waggons filled with seditious papers, in order to be distributed through every village, to be scattered over the highways, to be introduced into cottages. Such things were formerly unknown; but there was now scarcely a village in the kingdom that had not its little shop in which nothing was sold but blasphemy and sedition. He understood that some persons wished a distinction to have been drawn between blasphemy and sedition; but the fact was, that one was now resorted to for the sake of the other. The publications he was adverting to were made up of seditious blasphemy, and blasphemous sedition. By no other means could a people who for fifty years had shown themselves to be the most moral and religious in the world, be seduced into a conspiracy for overthrowing the constitution of their country. It was necessary that their religion and their morals should first be undermined. He wished that they could be separated, but he feared it was impossible.

The bill was then read a second time.

## HOUSE OF LORDS.

*Wednesday, December 29.*

Newspaper Stamp Duties Bill.] On the order of the day for the third reading of this bill,

Lord *Erskine* said, he could not suffer the bill to pass without declaring his opinion in a very few words, and putting it on the Journals by his protest. He felt as much as those who were the authors of the measure, the necessity of supporting the authority and of maintaining the dignity of parliament, but he was confident that a law so unnecessary and so inconsistent with the principles of public freedom, would produce a quite contrary effect. From the beginning of his life, he had uniformly exerted himself for the liberty of the press, having always considered the people as degraded whilst the government was contemptible and insecure, in proportion as it had been fettered; but the bill before them went beyond any attack upon it, which he ever expected to witness. What, for instance, could be said for the clause requiring recognizances, which seemed to consider every printer as a suspected and dangerous person? Could any thing but discontent and disaffection be expected to follow from such an unprecedented violation of the constitution? And after all the impolicy and injustice of this unaccountable innovation, it would be of no manner of use, as the restraints, in many ways quite obvious, might and would be invaded, as the periods of the proscribed publications, and the number of sheets in them might be altered. Lord E. concluded by saying, that he was the more earnest that such a law should be rejected by the House of Lords, as it had been hitherto respected even by those who unfortunately distrusted and libelled the other House of Parliament. To have the confidence and affection of an enlightened people was the only possible way of securing their obedience.

The Earl of *Liverpool* said, that the bill would only affect publications sold for sixpence or less. Those, therefore, that were of a higher price, were wholly exempt from its operation. As to the objection taken by the learned lord, that sureties had only hitherto been called upon to give security against a specific act, he would beg leave to observe, that with regard to a numerous and important class of persons, he meant the publicans, the principle of calling for security for their good behaviour had been long recognized and acted upon. Nor could he discover any objection to the measure of securities required under the present bill, considering the circumstances which had rendered it necessary. It was not directed against the respectable body of booksellers and printers, but against those persons who had intruded themselves into that class, and who, having neither property, respectability, nor responsibility, it became essentially necessary to prevent the mischievous consequences, that were daily increasing, of the publications sent

forth by them, to call upon them imperatively for security for their good conduct.

Lord *Ellenborough* agreed as to the necessity that existed for passing the present bill; a necessity arising from those mischievous publications which had been sent forth at a cheap rate to delude and deceive the lowest classes of the people. It was not against the respectable press that this bill was directed, but against a pauper press, which, administering to the prejudices and the passions of a mob, was converted to the basest purposes, which was an utter stranger to truth, and only sent forth a continual stream of falsehood and malignity, its virulence and its mischief heightening as it proceeded. If he was asked whether he would deprive the lowest classes of society of all political information? he would say, that he saw no possible good to be derived to the country from having statesmen at the loom and politicians at the spinning jenny. He differed from his learned friend in his view of this bill, considering it as imperatively called for by that mischievous abuse of the public press, those cheap publications, which were comparatively of modern date, and which had for a time derived impunity and increased in virulence and malignity, in consequence of the acquittal of Hone. The mischief arising from them in the deception and delusion practised upon the lowest classes, by means of the grossest and most malignant falsehoods, was such, that it threatened the most material injury to the best interests of the country, unless some means were devised of stemming its torrent. Conceiving that the regulations contained in this measure would have the effect of extinguishing this gross and flagrant abuse of the press, that he felt it his duty to support the bill.

The bill was passed.

PROTEST AGAINST THE NEWSPAPER STAMP DUTIES BILL.] The following protest against the passing of the bill was entered on the Journals:

"Dissentient,

"1. Because, by the stamps imposed by this bill, and by its further directing recognizances to be entered into by the printers and publishers of the pamphlets and papers therein mentioned, and in sums so large and disproportionate to the probable credit of such persons, or the profits of such small publications, it is manifest (and has, indeed, been not very indistinctly admitted), that a discouragement, amounting to almost a prohibition, is thus suddenly aimed at a very large and often useful branch of trade.

"2. Because this tacit interdict has not been justified, nor even attempted to be supported, in such a manner as the House of Lords, invested with the only certain means of arriving at truth, was, in my opinion, imperiously bound to have resorted to, before it consented to a law abridging, in any manner whatsoever, the freedom of the press.

"3. Because the great mass of British subjects have no surer means of being informed of what passes in parliament, and in the courts of justice, or of the general transactions of the world, than through cheap publications, within their means of purchase; and I desire to express my dissent from that principle and opinion, that the safety of the state, and the happiness of the multitude in the laborious conditions of life, may be best secured by their being kept in ignorance of political controversies and opinions; as I hold, on the contrary, that the government of this country can only continue to be secure whilst it conducts itself with fidelity and justice, and as all its acts shall, as heretofore, be thoroughly known and understood by all classes of the people.

"4. Because this obstruction to the sale and circulation of small periodical publications is not confined to those of a political character, but most unaccountably extends to all such as shall contain any public news, intelligence or occurrence, or any remark or observation thereon; a description which most obviously comprehends and involves all the transactions of human life upon which reasonable beings (putting national freedom wholly out of the question) can seek or desire to communicate with one another.

"5. Because it might be admitted, in perfect consistency with these objections to this bill, that considerable numbers of the publications in question may have been mischievous; but no evidence, which I can accept as satisfactory, has been laid before the House of the extent of such abuses, nor that the laws had been duly put in force to suppress them, had been found to be ineffectual or insufficient, but on the contrary, that not one information or indictment had been filed by the attorney-general throughout the whole of the year 1818, against any printer or pub-

lisher of a libel of any description whatsoever, and that in the present year following it, no person, except Richard Carlile, has been brought to trial and convicted.

"6. Because, most earnestly as I desire to see the government of this country in all its branches, looked up to with reverence and affection, and all libellers, who maliciously asperse it, brought to speedy constitutional punishments, I am compelled, by long experience in the courts of justice, to question the expediency of any other remedies for such abuses, but a vigorous execution of the ordinary laws; since before the passing of the Libel act, when the province of juries over libels had been annihilated by judicial usurpation, the licentiousness of the press increased beyond the example of former times, until libellers lost their popularity and safety when the people were restored to the privilege of judging them, and of protecting those who were innocent.

"7. Lastly, Because I am of opinion that the remedies enacted by this bill to repress the publications in question, will be found to be as inefficacious as they are inconsistent with the principles of the constitution; since, when the smaller printers and publishers are on a sudden thrown out of bread, by the impossibility of finding sureties for such large sums, to be levied by the alarming process of extent, and not upon any facts which such sureties can anticipate, but upon uncertain opinions regarding undefined offences, their principals may have recourse to methods of delivering themselves from the operation of the law. They may enter into larger partnerships or combinations for continuing their periodical works, by small advancements of price and changes in the periods of publication, which will probably be more eagerly sought for after the disappointed interdict, and parliament, if it pursues its object, may be driven to carry on a most unpopular siege against the press, increasing at every step the difficulties to be encountered, and conferring popularity upon a few mischievous writers, who would otherwise sink into obscurity or contempt.

(Signed) Erskine."

Both Houses adjourned to Tuesday the 15th of February.

Demise of his Majesty King George III.] On Sunday, January 30, 1820, in pursuance of the statutes 7 and 8 William 3rd, c. 15, and 6 Anne, c. 7, which enact, that if the parliament be, at the time of the king's death, separated by adjournment or prorogation, it shall, notwithstanding, assemble immediately, both Houses met, *pro formâ*, and adjourned. On the following day, they again met. The oaths were administered to the Lords by Mr. Cowper, the chief clerk. The Lord High Steward attended in the long gallery, and administered the oaths of allegiance to such members of the House of Commons as were in attendance. After this, the Speaker took the chair of the House, and immediately proceeded to take the customary oaths; after which, those members who had previously taken the oaths of allegiance before the high steward, came to the table, and were re-sworn. The swearing-in of members continued until the 2nd of February, when both Houses adjourned to the 17th.

## HOUSE OF LORDS.

*Thursday, February* 17.

Message from the King.] The Earl of *Liverpool* presented a Message from his Majesty [See the proceedings of the Commons]. He said, that it being most desirable that the House should be unanimous in agreeing to an address to his majesty of condolence for the loss of the king, his father, and of congratulation on his present majesty's accession, which it was his intention to move immediately, he was anxious to avoid any question that might tend to produce a difference of opinion, and he should therefore move that that part of the message which related to the calling of a new parliament, and the measures to be adopted in consequence, be taken into consideration to-morrow. —This being ordered, the noble earl proceeded to move an address to his majesty. He said, he was so convinced that the feelings of all who heard him were upon this subject completely in unison with his own, that he thought it would be needlessly trespassing upon their lordships patience to dilate upon topics which must suggest themselves to every person in the House, and the effect of which, by dwelling upon them, could only be weakened. He was most anxious, that upon such a subject the House should be unanimous, and the address had with that view been drawn up so as to afford no ground whatever for any difference of opinion, although in so doing he had not in any manner sa-

crificed his feelings, either public or private. He was satisfied, however, that he only echoed the sentiments of their lordships when he spoke of their late sovereign as one whose reign, for the lengthened period of 60 years, had afforded a continued bright example of all the virtues that ought to adorn a throne, and whose conduct and character during that long reign, would for ever impress upon the people of this country a grateful remembrance of his amiable qualities, whilst the glories of his reign would form a splendid portion of our history. He was satisfied that they would be equally ready to proceed to the foot of the throne to declare their attachment to his present majesty, during the sovereignty of whose illustrious house the country had derived so many advantages. Under these impressions, and satisfied as he was, that any thing he could say would only tend to weaken the effect of what all their lordships must feel, he should at once conclude by moving the address. His lordship then moved an address similar to that moved in the House of Commons.

The Marquis of *Lansdowne* was convinced, that there must be a most anxious desire in their lordships to proceed in the manner which the noble earl had pointed out. The deep sense which the House entertained of the great virtues of his late majesty left no doubt of their concurrence in the expressions of condolence contained in the address. It was his hope that that good understanding which it was most desirable should subsist between the Crown and the parliament would always continue; and therefore their lordships might be expected to join in the confidence expressed by the noble earl. For his part, he readily concurred in the address, because it went no farther than the occasion required, and pledged the House to nothing but that to which all must be prepared to agree.

The Marquis of *Buckingham* was sensible, that if all the noble lords who were anxious to manifest their concurrence in the address should rise to express that disposition, it could only be voted when all had delivered their sentiments. If, however, he made any claim to their indulgence while he expressed sentiments in which all their lordships participated, he must confess that that claim was one of a selfish nature; for those with whom he was connected had been honoured with great marks of royal favour by their late lamented sovereign. He hoped, therefore, that he should be excused, if he took that opportunity of giving vent to the feelings of gratitude with which he was impressed. It had often been said, that the favours conferred by sovereigns were soon overlooked. This, however, had not been the case in the present instance. Our late gracious sovereign, notwithstanding the estrangement from his people, caused by the inscrutable act of Providence, continued to live in the hearts of his subjects, remembering, as they did, all those virtues by the exercise of which he had so adorned his throne. It was in this manner that our late gracious monarch had forestalled the applauses of posterity; for in the long interval that had elapsed whilst the veil was interposed between him and his people, his virtues had become the theme of their veneration, and had received the final seal of their admiration and respect.

The Earl of *Darnley* said, it was the farthest from his wish to interrupt that unanimity which he had no doubt would prevail upon this occasion; but there appeared to him to be an omission, which, if he was irregular in noticing, he should, no doubt, be told so. He alluded to the circumstance of there being no condolence included in the address, with regard to the death of the duke of Kent.

The Earl of *Liverpool* said, it was undoubtedly his intention to move an address of condolence to his majesty on the lamented death of the duke of Kent, and also to the duchess of Kent; but he thought it better that the address he had already moved should stand as the single proceeding of this night.

The address was then agreed to *nem. diss.*, and was ordered to be presented to his majesty by the Lords with white staves. The earl of Liverpool observed, that his majesty's state of health not allowing him to receive the whole House, was the reason for adopting the above mode of presenting the address.

## HOUSE OF COMMONS.

*Thursday, February* 17.

MESSAGE FROM THE KING.] Lord Castlereagh presented the following Message from the King:

"GEORGE *R.*

"The King is persuaded that the House of Commons deeply participates

in the grief and affliction of his Majesty for the loss which his Majesty and the nation have sustained by the lamented death of the late King his father.

"This melancholy event imposing upon his Majesty the necessity of summoning, within a limited period, a new Parliament, the King has taken into consideration the present state of public business, and is of opinion, that it will be in all respects most conducive to the public interests and convenience to call the new Parliament without delay.

"The King, therefore, recommends to the House of Commons to adopt such measures as may be found indispensably necessary to provide for the exigencies of the public service during the interval which must elapse between the termination of the present session and the opening of a new Parliament. G. *R.*"

Lord *Castlereagh* said, he should move that it be taken into consideration tomorrow. He thought it necessary that members should have a day to consider one part of it, but he hoped the House would feel that there ought to be no delay in replying to another part—he meant that which referred to the death of his late majesty. In rising to propose an address of condolence to his majesty, the House would feel that it was not necessary or desirable for him to go into lengthened details; and he hoped that, from the few observations which he had to make nothing would arise to prevent their coming to an unanimous decision on the present melancholy occasion. They would, he was persuaded, all join in the same sentiments of affliction and reverence for the loss of their late beloved monarch. Whatever might be the opinions respecting the events of the late reign, and of the administration of government under his present majesty, there could, he was certain, be no difference as to this point—that under the illustrious House of Brunswick this country had enjoyed a greater share of happiness and glory than had fallen to the lot of any other nation on the face of the globe. The House, he was sure, were anxious to testify their deep affliction at the loss of a monarch, who, in the course of a long reign, during periods of great trial, had, by his mild and amiable qualities, secured the love and esteem of the nation. Indeed, the veneration in which our late beloved monarch was held, and the general attachment to him by all ranks and classes, were visible at every period of his glorious reign, but more particularly on those melancholy occasions when he was prevented from superintending in person the interests of his people. In the unusually long period of his reign, this country had grown up to rank, power, and commercial splendor, unequalled among the nations of the earth. With these feelings as to the character of the late reign, there would not, he was certain, be any differences as to the address of condolence which he meant to propose. There was another subject to which he should also call the attention of the House, it was the accession of his present majesty. To his reign he looked forward with the most sanguine hopes for the prosperity of the nation; and when he looked to the past, he had the best guarantee to hope from the future. Indeed, after the declaration made by his majesty on his accession, that he would make the example of his royal father the basis of his conduct, the country had to hope for a prosperous reign. In conclusion, his lordship trusted, that his majesty's reign would be long, and happy for himself and the country; and that though he might not have to achieve any additional glories in war, he would add the only remaining laurel to his brow, by looking, in peace, to policy, justice, and moderation in the administration of his government. His lordship then moved, "That an humble address be presented to his majesty, to convey to his majesty the expression of the deep affliction in which we have been involved by the death of the late king; a monarch, whose virtues had so long afforded the brightest example, and who had so long reigned in the hearts of his faithful people: To assure his majesty we shall never cease to cherish in our memories the recollection of the many blessings which we have enjoyed under the mild and paternal government of his royal father; during whose long and eventful reign the country has made so great advances in arts and industry, in commercial opulence and national power, and has derived so large an accession of glory from the splendid achievements of his majesty's fleets and armies: To add to these expressions of regret and condolence, on this common calamity, our most sincere congratulations upon his majesty's accession to the throne of his ancestors: To convey to his majesty the dutiful assurance of our loyal and affectionate attach-

ment to his sacred person, and to entreat him to believe that we derive from the experience of the past, as well as from our confidence in his majesty's character and virtues, the firm conviction that his reign will be marked by a constant endeavour to promote the general prosperity and happiness of his people."

Mr. *Tierney* said, that no man could be more sensible than himself of the virtues of their late revered and lamented sovereign—virtues too numerous to be then detailed. Nor could any man be more sincere than himself in congratulating his present majesty on his accession. No man could feel a greater personal respect for his majesty than himself. No man could be more earnest in his hopes that his majesty's reign might be long and prosperous. No man could exceed him in zealous wishes that that reign might be productive of equal honour and advantage to his majesty and to the country. Undoubtedly there was one expression in the address which he thought had better have been omitted. He adverted to that passage which spoke of "the experience of the past." On all the past he wished to turn his back. He wished to bury it in oblivion. A new reign was commencing, and he most anxiously hoped that his majesty would adopt such measures—that his ministers would advise such measures, as would conduce to his majesty's own character, honour, and dignity, and to the general benefit of the country.

The address was agreed to, *nem. con.* and it was ordered, that in consideration of his majesty's indisposition, the said address be presented by such members of the House as were of the privy council. It was then resolved, *nem. con.* 1. "That an humble address be presented to his majesty, to condole with his majesty on the loss which his majesty has sustained by the calamitous and untimely death of his royal brother the late duke of Kent. 2. That this House do condole with her royal highness the duchess of Kent, on the calamitous and untimely death of his late royal highness the duke of Kent."—Similar addresses were, on the following day, agreed to in the House of Lords.

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## HOUSE OF LORDS.

*Friday, February* 18.

MESSAGE FROM THE KING.] The Earl of Liverpool moved the order of the day for taking into consideration his majesty's message. The message having been read,

The Earl of *Liverpool* said, if he had had any doubt on the preceding day as to the propriety of separating the question as to the calling a new parliament without delay, from the subject of addressing the king in condolence on the death of the late sovereign, that doubt would have been entirely removed by the remark made by the noble marquis, that such an intimation was entirely unprecedented. It was undoubtedly true that it was unprecedented, but it should be recollected that the situation in which they were placed was also unprecedented. It was not the case of the tranfer of the Crown and all the administration of the government at once to a successor, but here the illustrious individual on the throne had administered the government for a considerable time, and was now called upon to do that in his own name and behalf, which he had hitherto done in the name and on the behalf of the late king. With regard to the question of dissolving the parliament, according to the common law of the land, the parliament ceased its functions on the demise of the Crown, and the act which passed for enabling the parliament to sit for six months afterwards, might be called an exception to that law. With regard to the motive for passing that act, it appeared to have been intended to provide against a disputed succession. But undoubtedly the act did not fetter the monarch, in the exercise of his prerogative, who might at once, if he pleased, exercise that prerogative by dissolving the parliament; it was merely a question as to the public interest or convenience. It was true, that with regard to the civil list, it had been usual for the parliament sitting at the demise of the Crown, to pass a measure for arranging the civil list; but this, which was a proper compliment to the Crown, there was no necessity to bring forward, when the Crown itself, as in the present instance, waived the immediate consideration of it. This, therefore, being put aside for the present, at the instance of the Crown, it must be obvious to every one, that there were circumstances connected with the knowledge that a new parliament must be called within a certain period, that rendered it inconvenient to proceed to any public business that was not absolutely necessary. These circumstances

were matter of notoriety; and it was evident that it would be more for the public interest and convenience that the measures necessary to be brought forward should be presented to a parliament uninfluenced by such circumstances, and with their attention not distracted by considerations arising out of the contemplation of the near approach of the summoning a new parliament, and the preparations and arrangements necessarily consequent upon it. His lordship concluded by moving an address to his majesty, which was an echo of the message.

The Marquis of *Lansdowne* expressed his surprise that the noble earl had not afforded any explanation as to the reasons or the motives for the sudden dissolution of the parliament. He believed it to be contrary to all precedent for the Crown to put to the consideration of parliament the question as to its own dissolution. It was undoubtedly true, that the king, in the exercise of his prerogative, might dissolve the parliament at the moment of its meeting on his accession; but when the question of a dissolution was put to parliament itself, they might, with perfect propriety, consider what had been the practice upon similar occasions; and when it was urged as a reason for now dissolving the parliament, that it would be for the public interest and convenience, it might be fairly answered, and this too on the authority of the noble earl himself, that the present was the most convenient period for entering upon the consideration of public business. When, however, this plea of convenience was urged, it would be found, upon looking back to the periods of the accession of our sovereigns, since the reign of William 3rd, when the act was passed, authorizing the parliament to continue sitting six months after the demise of the Crown, that at periods much more inconvenient than the present, parliament had continued sitting, and had, before their separation, uniformly passed the civil list bill. Thus, on the accession of queen Anne, in March, on that of George 1st, in August, of George 2nd, in June, and the late king in October, the parliament in each case continued sitting, and passed the civil list bill within a short period of the meeting. Why these precedents were to be departed from, the noble earl had not explained. Neither had he explained how the public service was to be provided for in the interval, or how the dignity of the Crown was to be provided for, the civil list bill having now expired. There was another consideration also of great importance; he alluded to the increase of the military force of the country, to the amount of 10,000 men. Agreeing, as he did, in the necessity for this addition to our military force, he considered it of the greatest importance, in a constitutional point of view, that the parliament should have an opportunity of taking into consideration such increase. Was it intended that only a short mutiny bill should be brought in, which would not afford any opportunity of considering the amount of the force? As he had been unable to discover any reason why the precedent in former cases should be in this instance departed from, he could not give his vote for the address.

The Earl of *Harrowby* observed, that it must be, in his opinion, obvious, that with all the preparations and arrangements that were making, with a view to a dissolution of parliament, which it was known must take place within a certain period, it was impossible for the members of the other House to pay that attention which was requisite to the measures to be proposed to them. As to any difficulty in providing for the public service in the interim, the course to be pursued was intended to be the same as in 1807 and in 1784, when a dissolution took place about the same period; and with regard to providing for the dignity of the Crown, though there might perhaps be some slight difficulty, yet it might readily be done by a vote of credit out of the remaining hereditary revenues of the Crown.

Earl *Grosvenor* contended, that there was time enough to complete any measures that might be necessary, without dissolving the parliament, and objected strongly to the continuance of so large a standing army in time of peace. Was it for a purpose which ministers could not avow—was it to support themselves in administration, that this extraordinary burthen was to be continued in the present distressed condition of the country?

The Earl of *Lauderdale* thought that great inconvenience would be found to attend the immediate dissolution of parliament. With respect to the consideration of the civil list, he thought it would be better that it should be arranged by parliament, instead of being submitted to the public—as it was, in effect, by being postponed until the general election had taken place. The House would recollect,

that there were such things as instructions from constituents to their representatives, and that he thought should have suggested itself to the noble lords as one of the inconveniences attendant upon the course which they recommended. It had been said, that the civil list was to be provided for out of the hereditary revenues. But they would find, by the consolidated fund act, that the hereditary revenues were appropriated to make up the deficiencies of that fund, in the event of the king's demise.

The Earl of *Caernarvon* said, his noble friend had shown, that if it was convenient at any time to continue the sitting of parliament, it was convenient now. But then it was objected, that members of parliament would have so much of their own business to attend to, they would neglect the business of their constituents. For his own part, he should have drawn a contrary conclusion. If there was any period when members of parliament attended more particularly to the business of their constituents than another, it was when they were about to be dissolved. In the present condition of the country, a strong ground should be made out to justify an immediate dissolution; and he had no hesitation in saying, that those who could give such advice without such a ground, had not done their duty either to the king or to the country.

Earl *Bathurst* observed, that the whole business of the session was yet to be done, and contended that it would be impossible to get through it in time to prepare for a dissolution at the end of six months. With regard to the precedents alluded to, he would have their lordships to consider in what state the public business was on those different occasions. In those cases, there was no necessity for adopting the course which, under the present circumstances, appeared expedient. Besides, since the death of his late majesty, there had been more excitation throughout the country, on the prospect of the new elections, than probably existed at any former period. Perhaps there was not an instance known before, in which the same paper that communicated the death of the king contained an advertisement from a candidate for the representation of a county.

Lord *King* said, that the immediate dissolution would bring them to May before the new parliament could meet, and he would leave it to the House to consider to what time the session must extend in that case. It was true that they had a balance of convenience and inconvenience to decide upon, but then there was uniform practice on one side, and that practice was, that after the demise of the king, parliament should proceed, with as little delay as possible, to the arrangement of the civil list. By dissolving now, they would leave the Crown without a civil list.

The *Lord Chancellor* said, that according to the law of parliament in former times, on the demise of the Crown, the parliament was *ipso facto* dissolved. He did not mean to say that it was not right for parliament to have extended its own existence for six months after the demise of the king, as was done by the act of William 3rd. His notion was, that the enactment was properly made, with a view to the public interest; but by that act it was not determined that the parliament should necessarily exist for six months after the demise—it was still left open to consideration how far the public convenience required that it should continue so to exist or not. If, on the other hand, they thwarted the purpose of dissolving parliament, by going on with business when the public convenience did not require it, they were the persons who took upon themselves to say that the Crown should not dissolve the parliament. If they threw obstacles in the way of the dissolution, they took upon themselves the authority of deciding the question; and therefore he would vote with *his noble* friends, not with a view to break in upon the prerogative of the Crown, but to prevent the prerogative from being interfered with.

The motion was agreed to.

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## HOUSE OF COMMONS.

*Friday, February* 18.

MESSAGE FROM THE KING.] The order of the day for taking into consideration his Majesty's Message having been read,

Lord *Castlereagh* observed, that in rising to move an Address to his Majesty, it might be for the convenience of the House to state, what course it was the intention of ministers to propose. It was well known, that although before the late recess various bills had been agreed to, applicable to the then state of the country, the great mass of the public busi-

ness of the session had not been entered upon. Under those circumstances, it became indispensable for his majesty's ministers to consider what course it would be most expedient to advise. There were only two courses which could be pursued —either to endeavour to go through the whole of the business, by extending the present session to the utmost length which the law would allow, or to call a new parliament. The House would see that many inconveniences would attend the former of those courses. It would, in all probability be scarcely practicable to complete all the parliamentary business within the prescribed period, and to select those topics to which the especial attention of parliament should be directed, would be a difficult and an invidious task. Any measure not completed by the natural close of the session, would not stand so advantageously with reference to a new parliament, as if absolutely commenced in that parliament. The House would also, he was persuaded, go along with ministers in their conviction, that nothing could be less desirable, with reference to the public morals, and he would even add, to the public tranquillity, than to leave the country for many months subject to all the excitation and passions which the approach of a general election tended to generate. Weighing the alternative presented to them, ministers had decided in favour of a new parliament. It appeared to them, therefore, that the only sound proceeding was, to endeavour to confine the measures to be proposed in the present parliament as much as possible to those which were indispensable to the public service. He was perfectly aware, that it had been the usage on similar occasions, on the first meeting of parliament after the demise of the Crown, to make provision for a great proportion of the civil establishment of the country. It certainly was the wish of his majesty's government that this subject should be satisfactorily arranged. But, on the other hand, it would require much time to prepare the proposition which it was their intention to submit to parliament on the subject; and it was also extremely desirable that that proposition should be adequately considered by the House, with calm minds and a full attendance; all which it was hopeless to expect during the existence of the present parliament. On all these grounds, therefore, ministers had decided on advising the Crown to call a new parliament with as little delay as possible. He would now state to the House the particular business which ministers meant to propose for the consideration of the present parliament. With respect to private business, the House was aware of the course that had been pursued on former dissolutions—namely, to make such an arrangement as would place private business in the new parliament in the same situation as that in which it had been left in the old. As to public business, it was the wish of government that the new parliament should be placed in a situation the most calculated to be advantageous to the public service. It was not proposed to vote any additional sum for army services during the present session. Enough had already been granted to cover the expenditure in the interval that would elapse before the meeting of the new parliament. It was intended to propose the continuance of the Mutiny bill to the 25th of June, as well as of several other bills that would otherwise expire. It was probable that the House would arrive at the close of its labours by the end of the present month. If so, the new parliament might assemble by the 25th of April, when the business of the year would be immediately entered into. The noble lord concluded by moving an Address to his majesty, which was an echo of the Message.

Mr. *Tierney* declared, that the whole of the proceeding was the most extraordinary he had ever heard of. He did not believe that there had ever been an accession to the Crown without some communication to parliament of a nature very different from that which had been made in the present instance. It had always been usual to say something of the feelings of the new monarch, and of the course of policy which it was his intention to pursue. In the present case, the House had only been drily told, that his majesty's government found it convenient to send them about their business as soon as possible. It was true, it might be said, that on former occasions of the demise of the Crown, parliament was in a state of prorogation; and that there was, therefore, greater scope for observations of the nature to which he alluded, in the speech from the Throne, on its assembling. But on such an occasion as the present, there would have been no irregularity in summoning the House of Commons to attend in the other House of Parliament, for the purpose of hearing the royal sentiments.

He must observe, without meaning to say any thing offensive, that the omission of all such communication was very indecorous. In all former cases, on the accession of a new monarch to the throne, he expressed to the House his confidence that they would make good the hereditary revenues of the Crown. This operated in two ways. It recognized the power of parliament to vote those revenues or not. It was highly important that it should not be taken for granted, that those revenues were not under the control of parliament. It was true that some of them were so. But what were generally called the hereditary revenues of the Crown, expired on the demise of the Crown, and could not be legally collected without a new act of parliament. Could any man doubt that there was something at the bottom of all this extraordinary proceeding, not hitherto explained? What it was he knew not; but he was sure that no administration would wantonly, and without cause, depart from that which was the ordinary course on such occasions. He was sure that there was some reason why the civil list was not voted at once, as was usual. The noble lord, indeed, talked of the time which the proposed arrangements would require. That appeared very extraordinary, when it was recollected, that the subject had been settled within the last four or five years. At that period a very able and voluminous report was presented with reference to it; it was arranged on the suggestion of ministers themselves; and now the House were told of the time requisite to make the future arrangements on the subject. He was utterly at a loss to discover where would be the difficulty of bringing a bill at once to state the proposed amount of the civil list. Nor could he comprehend the object of immediately dissolving parliament. All that the noble lord had said was, that it would be inconvenient not to dissolve parliament immediately. The noble lord's notion of the convenient period for the laborious business of the year was, that it should commence in May—a season not very long preceding that at which most hon. gentlemen were in the habit of going into the country, and thereby rendering the proceedings of parliament a dead letter. Formerly it had been thought, that the heavy business should not be deferred until after Easter; now it turned out, that it was convenient that it should not begin until long after that period! The occurrence of the assizes was another circumstance, which must render a dissolution at the present moment extremely inconvenient. With respect to the dissolution, he was as desirous as any man to get, as speedily as possible, through all the difficulties and annoyances which an election occasioned. But he had duties to perform in that House, which he was bound not to neglect; and he could not, therefore, concur in the Address proposed. From what had fallen from the noble lord, it did not appear that it was intended to ask the present parliament for any further grant. [The chancellor of the exchequer said, that he intended to propose a grant for the payment of the civil list up to the 5th April, at the present rate.] According to the statement made by the noble lord, the new parliament would not be assembled by the 5th of April. It was certain, therefore, that there would be a period during which the Crown would have no maintenance whatever, that the House knew of. All this appeared to him to be wholly unnecessary. Why not at once vote a specific sum for the civil list of George 4th? Why depart from the established usage? It was unaccountable; something or other was at the bottom of the business, hitherto unexplained. He knew, however, that it was in vain for him to urge this argument; the heads of the members, he knew, were more in the country than in town. They were thinking of cockades, and hustings, and returning officers. As to the measures proposed by the noble lord, if the propriety of an immediate dissolution were once acquiesced in, to those particular measures he could have no objection. He must make one exception. In an early part of the session, in consequence of the disturbed state of the country, parliament voted an additional military force of 11,000 men. All alarm, he apprehended, was now dissipated. Why, therefore, keep up this additional military force of 11,000 men to the 25th of June?

Lord *Castlereagh* assured the right hon. gentleman, that he had no other purpose in the propositions which he had submitted to the House, than that which he had distinctly avowed. It did not appear to his majesty's government, that the various topics to which he had alluded, could be so conveniently discussed by the present as by a new parliament. It must quiet any constitutional jealousy on the subject to observe, that the vote which his right

hon. friend intended to propose was, merely to prevent any arrear in the interval between the dissolution of the present and the meeting of the next parliament. As to the hereditary revenues of the Crown, those which were strictly hereditary were so inconsiderable, that no rational difficulty could be contemplated in making a parliamentary arrangement with respect to them. There could not be the smallest doubt that the House would be disposed to act with respect to those revenues as formerly. He could assure the right hon. gentleman, that he did ministers great injustice, if he supposed that they entertained any distrust of the present parliament on that subject. For himself, he never knew a parliament to whom he was persuaded might be more safely confided the duty of making such an arrangement with respect to the revenue of the Crown, as should evince at once a becoming economy, and a disposition to prevent placing the Crown in such a situation as would endanger the incurring of debt. At the same time, his majesty's government claimed the opportunity of a full deliberation on the subject, before they submitted it in its details to the judgment of parliament; and it was therefore that it was proposed to postpone it until the meeting of the new parliament.

The *Chancellor of the Exchequer* agreed, that the Crown was at this moment without any other revenue than that portion of the hereditary revenue which belonged to the civil list, amounting to between 500,000*l.* and 600,000*l.* He would on Monday move that one quarter's revenue of the civil list, at its present rate, which would become due on the 5th of April, should be paid; this would carry on the royal establishment up to the 5th of July, before which time, the necessary steps would be taken by the new parliament. By this means all inconvenience would be avoided. In the arrangements to be adopted, a considerable saving would be made.

Mr. *Hume* said, that by the 54th Geo. 3rd, chap. 16, a sum of 35,000*l.* was settled upon the late Princess of Wales, now our Queen. On the demise of his late majesty this grant ceased; he asked, therefore, whether this provision was to be continued, or whether any and what other was to be substituted in its stead?

Lord *Castlereagh* said, that every pains would be taken to prevent any inconvenience arising in the quarter alluded to, from the dissolution of parliament.

Mr. *Brougham* could not help expressing his surprise at the extraordinary nature of the proceedings adopted by ministers. With respect to the subject alluded to by the hon. member who had just sat down, it was not then his intention to offer a word upon it. This was the first message which so precisely and so specifically pointed out the dissolution of parliament. Whenever parliament interfered with the prerogative of the Crown, they were told by ministers that they were not competent to entertain the subject of the termination of their existence as a body—that the Crown alone was to decide upon it. Without meaning to deny the right of the people to control ministers in the advice which they gave the Crown as to the exercise of its prerogative, he could not help noticing the strange position in which parliament was placed. They were called upon to give an opinion whether the proposed dissolution was a well advised measure or not. Thus called upon, it was no wonder that they should enter upon the discussion. For himself he was as little averse to an immediate dissolution of parliament as the noble lord, or any of his colleagues could be. He had, however, one remark to make upon this advice given to the Crown; he presumed that ministers had maturely weighed the inconvenience to which the country would be put by having the election come on in the middle of the assizes. On the former dissolution of parliament the term was postponed, but it could not be done in the present instance. The next point to which he should refer, was more material. He could not help congratulating the House upon the admission which had been, though slowly, wrung from ministers. Not long since they were told, that so great was the alarm in the public mind —so inherent was vice in the country— so great was the number of discontented and designing persons, who were plotting the subversion of the constitution—that it was found necessary to call upon parliament to pass the most harsh and restrictive measures, in order to put down the turbulence of the country. But now the fact was, that one of these restrictive measures expired with the parliament, and as ministers did not exercise their discretion in proposing its renewal, it showed that the necessity for it had ceased, or else they were about to plunge the country into a situation which not many weeks since was said to be incon-

sistent with its safety. There was another point to which he wished to advert. Every one who heard the luminous speech of the noble lord—luminous, not because it enabled them to understand the reasons contained in it, but because it was so transparent that every one could see through it—must perceive what was the real motive for postponing the discussion of the civil list at present; it was, because it was thought more handy, to bring it under the consideration of a new parliament, than before a parliament which was on its death-bed—before a parliament that could not sit more than six months, but which might be dissolved the day after it had voted the civil list. This was his decided conviction. For himself he had no objection to the dissolution, as he thought frequent parliaments were beneficial and refreshing to the constitution; yet he felt it his duty to point out the motives by which those who advised the measure were actuated.

Mr. *Canning* said, he could assure the House, that the civil list would be arranged with every view to economy, and a proper attention to the dignity of the Crown. The hon. and learned member had taken a constitutional objection to the discussion of the dissolution of parliament, observing, that nothing of the kind had been previously done.—That hon. member ought to recollect, that parliament had on a former occasion presented an Address, praying that the Crown might not interfere with its operations by dissolution. What was to prevent the House from now entertaining such a question he was yet to learn. It was argued also, that a prorogation was the old wholesome law of the constitution. But the law was the other way. The old practice was, that parliament died immediately on the demise of the Crown; and it was by recent enactments that a sort of period of grace was extended, and parliament allowed to sit six months after such demise, the power still remaining in the king to dissolve at pleasure. This enactment was made in the reign of king William, and the specific ground for it was, that at that time there was a disputed succession, and it would have been inconvenient that parliament should be instantaneously separated. This act was made permanent in the reign of queen Anne, when a foreign succession was again contemplated. It was an act which was analogous to, and by no means opposed to the spirit of the constitution. In the reign of George 1st, and the two following reigns, the revenues of the Crown were settled before parliament was dissolved; but the gentlemen on the other side themselves acknowledged that those cases were not analogous to the present. Let them look at the state in which parliament was at the period when the late melancholy event took place. They had before them a variety of business which it was hopeless to expect could be dispatched within any reasonable time. The country, from whatever source, were told that a dissolution of parliament was about to take place. If he were to name the individual who had been the first to sound the alarm of dissolution, the House would perceive that the hon. and learned gentleman ought to be the last man to cast an imputation of precipitancy upon ministers. He felt convinced that the House would see that ministers had given that advice which was calculated to advance the best interests of the country.

Mr. *Macdonald* said, it was singular, that though ministers confessed that there was a series of precedents before them, they should think it necessary to deviate from them without assigning a reason for their conduct. It was admitted that all the kings of England since the Revolution, had felt it necessary to throw themselves upon parliament for a suitable provision to support their dignity, nor was there any instance where the people did not ratify and approve of the conduct of their representatives on such occasions. The present was the first time that the civil list was not noticed in the message from the Crown. Was it that the present parliament, which had gone so far with government, were not to be trusted? or was it that the loyal and generous people of this country would feel displeased at making a suitable provision for the Crown? It was said that economy would be looked to in providing for the civil list; but it was known how little value was to be set upon such statements. The impression upon his mind was, that there was something in agitation, which, if brought forward now, would not bear the test of a general election.

The question was put and carried.

GRAMPOUND, PENRYN AND CAMELFORD.] Lord *John Russell* said, that in bringing forward his motion with regard to those boroughs in which bribery had

been proved to exist, he should not detain the House more than a few minutes. Provision was, he understood, to be made for the civil list, and also for the further continuance of those acts which would otherwise expire with the present parliament; he thought, therefore, it was necessary that parliament should also provide for the preservation of its own dignity and character. They ought to look with a jealous eye at any attempt to invade their privileges. In furtherance of this he intended to propose, that the writs for the boroughs of Grampound, Penryn and Camelford should be postponed to the meeting of the next parliament. For this there was a precedent in 15 Geo. 3, chap. 20. The borough of Shaftesbury having been convicted of bribery and corruption, the writ had been postponed from time to time, and at length it was postponed to the meeting of parliament after a prorogation. He proposed that this principle should extend to the dissolution, which, in his opinion, was analogous to a prorogation. In the case of an impeachment, Mr. Fox was of opinion that a dissolution did not operate otherwise than a prorogation of parliament did; with this difference only, that the former gave men a better opportunity of reviewing their opinions. Viewing the case in this light, he felt that there was no impropriety in bringing the present bill before the House. There was one borough (Barnstaple) which he wished to exclude, as proceedings had already been instituted with respect to it. He should, therefore, move for leave to bring in a bill to prevent the issuing of writs for the boroughs of Grampound, Penryn and Camelford, until the meeting of the next parliament.

Lord *Castlereagh* agreed in the principle of the bill, but suggested that it was likely, in the event of the bill going to the Lords, they would call for the information upon which the Commons had acted.

Mr. *Wynn* was of opinion, that Barnstaple ought to be included in this bill. Ample evidence had been given at the bar, of the existence of bribery in that borough, and the other House was proceeding upon a similar inquiry, when their proceedings were put an end to by the prorogation of parliament. No one could deny the plenitude of the authority of parliament, on this as on other subjects. But it would certainly embarrass the proceedings if members were returned for these boroughs at the ensuing elections. It might then be objected, that though they had once fallen into acts of corruption, they had, in this instance, elected members without having been guilty of similar practices, and that therefore it was no more rational for the House to recall the former offences of these boroughs than of any others. However corrupt in principle and practice these boroughs might be, it could not be doubted, that under the peculiar circumstances in which they were placed, they would abstain from open corruption. It would also afford an instance of practical inconsistency, if, while they in a future parliament proceeded to disfranchise these boroughs as radically corrupt, they allowed the individuals who might have been elected for the boroughs to sit to the end of that parliament. He allowed that the case of the borough of Shaftesbury was different in form, but it was equally an interference with the common course of law with the bill which was now proposed. It was as imperative in any case of vacancy during a prorogation, on the Speaker to issue his writ, as on the lord chancellor to issue his writ to the sheriff to direct his precept to the boroughs after a dissolution. If bribery had been practised in these boroughs to the extent to which they had reason to believe it had, it was imperative on the House to take such measures that the dissolution of the present parliament would not prejudice its inquiries, and to refuse to concur in certain bills till they had a reasonable security on a matter so closely affecting its privileges. The noble lord had very properly alluded to the case of impeachment as a parallel case; and as a dissolution was held not to affect a measure of that kind, so it should not affect proceedings of equal constitutional importance. He should therefore give his hearty support to the bill. It was advisable to show by such a measure, that there was a power in the constitution to meet any emergency.

Lord *J. Russell* said, that he had no objection to include Barnstaple in the bill.

Leave was given.

The King's Answer to the Address.] Lord Jocelyn reported the King's Answer to the Address, as follows:

"George *R.*

"I receive with the truest satisfaction, the loyal, dutiful, and affectionate Address,

which the House of Commons has presented to me on the late heavy loss which I have sustained, and upon my accession to the throne. The House of Commons may rest assured, that the whole object of my reign will be to preserve the liberties, and to promote the happiness of my people. G. *R.*"

## HOUSE OF COMMONS.

*Monday, February* 21.

Droits of Admiralty, &c.] Mr. *Brougham* said, that early in the session of 1812, he had moved for a return of the amount and application of the different monies received by the Crown, which were not under the immediate control of parliament. This was at all times a matter of great importance, but it was more particularly so at a period like the present, when new arrangements for the support of the royal dignity were about to be entered into. The funds to which he alluded were important, as they involved a considerable variety of influence and management. When he made the motion to which he had alluded, he was answered, that arrangements having been made by parliament for supporting the civil list, it would be improper to enter into such an inquiry, as it would be a breach of the terms agreed upon. But it was admitted at the same time, that such an inquiry might be made on the demise of the Crown. He had felt the full force of this objection. But now he conceived the period was arrived when such a motion ought to be made. Those funds had arisen to such an amount that they ought to be settled on a permanent and constitutional footing. He should therefore move for, "An account of the total produce of all funds at the disposal of the Crown, and usually deemed not to be under the immediate control of parliament, since the accession of his late majesty, distinguishing the monies arising from droits of Admiralty and droits of the Crown, 4½ per cent West India duties, Scotch revenue, and those from all other such sources not hereinbefore specified.—Ordered.

Lord Palmerston brought in a bill for continuing the Mutiny Act, from the 24th of April to the 24th of June. After a short conversation, the bill was read a first and second time.

Writs Suspension Bill.] Lord J. Russel moved the order of the day for the second reading of the bill for suspending the issuing of writs for Grampound, Penryn, Barnstaple, and Camelford.

Sir *C. Burrell* thanked lord Castlereagh for his liberal conduct hitherto on this Bill, and hoped that he would endeavour to secure its final success by using his influence with his friends in another place [Order! and Hear!] so that it might not fall to the ground after it had passed that House.

Mr. *Calcraft* said, he had never heard any thing much more disorderly than the allusion of the hon. baronet; but even if that suggestion were attended to, he thought it quite impossible that the bill could pass into a law. It was because he was in earnest, in support of the measures which this bill professedly furthered, that he did not wish the House to be so misled, as to suppose that any assembly could pass a bill condemning four boroughs, while in the case of one only they had any evidence. It was only in the case of Barnstaple that the House of Lords had any evidence. He wished to see the writs suspended till the circumstances which had appeared to criminate these boroughs could be inquired into, and he therefore wished the House to proceed by address, which was, in his opinion, the true parliamentary course. According to the present mode of proceeding, the House was at the mercy, not only of the Crown, but of the other House of Parliament. He contended, that the issuing and suspending of writs *should* depend on the House alone, and upon this doctrine the House had hitherto acted.

Mr. *Wynn* said, that the proceeding by way of address would go to the overthrow of the constitution, by putting the whole elective franchise into the hands of the Crown. The address of the House could not confer on the Crown a power not before possessed; it could only call on the Crown to exercise a power already existing. It would, therefore, recognise that the Crown could, at its own will and pleasure, put an end to the elective rights of any portion of the electors of the kingdom. This proposal was not, indeed, without precedent, for he had heard of a plan of reform, promulgated under the high authority of the Hampden Club, by which the king was to be begged, as the simplest and best plan of reform, to abstain from sending writs to certain boroughs, and to send writs to other places.

It was extraordinary, indeed, that this doctrine should have been promulgated under the name of Hampden. Such a power was, indeed, formerly claimed by the Crown, but the matter was taken up by the House of Commons, and it was declared that the writs might be demanded by those boroughs as writs of right. Writs were accordingly sent to some places from which they had been withheld, and for one of these places, Wendover, John Hampden was first returned to parliament. He was ready to go as far as any man in defence of the privileges of parliament, but he thought they were most safe when confined within legal bounds. He should not be willing to disfranchise these boroughs without hearing the fullest evidence; but he conceived the Lords had sufficient evidence to say that the Commons having proved bribery to have existed in those boroughs, and being desirous of taking measures to regulate the elections in future, they would suspend the issuing of writs for this time. To proceed by the authority of the two Houses of Parliament and of the Crown was the only legal course, and he should therefore support the bill.

Mr. *Marryat* said, the bill required serious consideration. The House had not all the evidence before them on the different cases. Besides, there were in the different cases various shades of criminality. Two of their own members also (Mr. Swann and sir M. Lopez) had been severely visited, as well as several voters of two of the boroughs. Was it likely that these persons, after the warning they had had, would again commit the crime for which they had suffered? Indeed, if he were asked where he should expect to find the greatest purity and independence in the elections throughout the country, he should naturally lay his hand on those boroughs. There was such a difference also in the evidence before the Lords and that before the Commons, respecting Barnstaple, that the difficulty concerning that case was much increased.

Mr. *Brougham* said, that his doubts as to the expediency of passing the bill were founded on his sense of the great importance of the measure ultimately in view. They were not in those circumstances, or in that period of the session, when they could enter into the consideration of a change in the representation with advantage or effect. The change now proposed was no less than to extinguish the franchises of four boroughs, and to tranfer them to other unrepresented places. Though neither of these objects was directly affected by the bill, it would distinctly recognize the principle, that though there was not evidence to disfranchise the boroughs for ever, yet on a *prima facie* case they might suspend the franchises. It might be proper to legislate on this business hereafter, when they had time to view the question in all its complicated bearings, but it seemed strange to say that they had evidence to deprive a borough of its franchise *pro hac vice*, and not for ever. The circumstances of the representation of these boroughs being filled up, could not operate as a bar to legislation on the subject; and it would be better indeed, constitutionally, that the question of the disfranchisement of these boroughs should be discussed when their members, who might be supposed to act as their attornies, were present. As to the proposal of proceeding by address to the Crown, it had been satisfactorily disposed of. If indeed the Crown could disfranchise four, it might disfranchise 44 or 100 boroughs; and he did not see why, if this power were recognized, it might not also extend to counties or universities, so that the very existence of the House of Commons would be at the mercy of the Crown. The only course of proceeding therefore was by bill. He felt unwilling to conclude without stating his feelings, respecting those who were suffering under, perhaps just, but certainly not lenient sentences, for offences committed in these boroughs. When they considered that these offences were not solitary, when every member of the House must necessarily have been acquainted with so many unconvicted offenders of the same description, he felt that the sentence of two years imprisonment, coupled with a very heavy fine, was severe. He did not know the individual so punished even by sight; he had never spoken, or had any communication with him, but he felt in common with many others equally unknown to sir M. Lopez, that the House should show that it would not oppose any impediment to the clemency of the Crown, which would not of course be advised to exercise its right of pardon, in a case in which the House of Commons were concerned, without their concurrence. The prisoner, he believed, was 68 years of age, and though a grave and serious offence against their privileges, against law

and morality, the crime he had committed could not be said to be extremely rare. His case would operate as a warning, even if the whole of the sentence were not carried into effect; and similar offences would not be more frequent, but probably more rare, after such a warning.

Mr. *Scarlett* thought it would be a delicate matter for the House to interfere to induce the Crown to remit a sentence which the court of King's-bench had imposed. The members of that House, too, should be the last to appear disposed to treat with lenity such offences, which they were out of doors but too generally supposed to view with favourable eyes. He was himself not prepared to say that the sentence was too severe. Though offenders of this kind might, in some instances, gain the cross, and in others the crown, the court of King's-bench did well always to show a severe front to such offences. He felt reluctant to make these observations, because he had had to appear as advocate for this individual. After having done his duty on this occasion, however, his connection with him had ceased.

Sir *J. Yorke*, though he thought the case of sir M. Lopez a hard one, could not but feel for his friend Mr. Swann, who had only been found guilty because he had done an act of kindness.

Lord *Castlereagh* said, the only object of this bill was to enable the House to apply any punishment it might inflict on these boroughs earlier than they otherwise could. The non-existence of the bill would not form an obstacle to the taking cognizance of these cases in a new parliament. Though he had made up his mind to vote for the bill, he could not disguise the fact that it was a strong measure, and went beyond the precedents which had been adduced. The case of Shaftesbury only applied to the issuing of writs during the existence of a parliament over which the House had a constitutional control. But it was a bolder measure to interfere with the elections for a future parliament, when they were, in some measure, tied up to a specific number of members by the act of Union.

Sir *J. Mackintosh* maintained, that there was a sufficient *prima facie* case, with respect to the boroughs alluded to in this bill, to induce the Lords to acquiesce in the measure for suspending the issue of any writs, until the merits of the case should be fully gone into. It was clear from what had appeared in evidence, that such corruption had taken place in each of those boroughs, that it would be inconsistent with the principles of the constitution, and with the character of the House itself, to allow the electors, who had been guilty of such flagrant criminality, to send members to that House. The course pursued on this occasion was fully warranted by the precedent of the Shaftesbury case. For in that case the Lords agreed to the suspension of any new writ upon the same ground as that which was assigned in the preamble of this bill. The only difference, indeed, between the two cases was, that in the Shaftesbury case the bill for suspending the writ was passed on the eve of a prorogation, whereas in the present case the suspension was proposed on the eve of a dissolution. In point of principle the two cases were precisely the same. On the ground of precedent then, as well as upon principles of constitutional justice and sound policy, the present measure ought to be adopted.

Lord *Castlereagh* thought the Shaftesbury case much stronger than the present, as in that case the Lords had obtained from that House a copy of the evidence taken before a committee upon the subject, in order to examine such evidence before the act was agreed to.

Lord *J. Russell*, in reply, animadverted upon the observations which had been made with respect to the merit of the bill. It was true, that the Lords had obtained a copy of the evidence upon the Shaftesbury case before the act of the 14th Geo. 3rd was passed, but then their lordships had not much more time, previous to that enactment, to examine such evidence, than they were likely to have at present. But the material objection which offered against the delay of the proposed enactment in this case was, that if new writs were issued to these boroughs, each would continue so to demean itself at a new election, as to raise some argument to defeat the object of this bill, or to palliate the proved delinquency upon which it was founded. To postpone or reject the present bill would serve to raise a doubt in the country as to the sincerity of the promise held out by the House, that in any borough where flagrant corruption was proved, measures would be taken not only for the punishment of the corrupt, but for the prevention of such corrupt practices in future,

by the disfranchisement of the borough in which they took place. With respect to Barnstaple, the House had had only one efficient member for that borough since the rejection of sir M. Lopez, and yet no complaint had ever been heard of the inadequacy of its representation. As to the sympathy expressed for the fate of sir M. Lopez, he did not mean to find fault with those who entertained that sympathy, although it must be admitted that such corruption as that of which this baronet was convicted, deserved punishment. But as to the corruption which prevailed in small boroughs, where the voters were comparatively few, poor and ignorant, he much feared that it was idle to calculate upon the prevention of such corruption; and he felt, that whenever it was proved to take place, the only remedy was, to transfer the right of election from boroughs of that description, to large and populous towns. He had no disposition to blame those who felt sympathy for sir M. Lopez. He submitted, however, that much more sympathy or consideration was due to the poor voters who accepted the bribe; because, from their ignorance, they were probably not aware of the magnitude of the crime which they committed. As to the praise pronounced upon Mr. Swann, who was at present suffering imprisonment in consequence of a conviction for bribing an elector, he should only say in the language of the poet—"Rara avis in terra nigroque similima cygno."

The bill was read a second time.

The Queen.] On the motion that the House do resolve itself into a Committee of Supply,

Mr. *Hume* observed, that before the Speaker left the chair, he was anxious to obtain some information upon a point, with regard to which he had on a former evening felt it his duty to put a question to the noble secretary of state, to which question he had received a very unsatisfactory answer. He meant with respect to the situation of the Queen. If there was any subject which more than another interested the feelings of that House and the public, he believed it was the condition of this illustrious personage. For what was that condition? It was clear from recent occurrences, as well as from the language of the noble lord, that the Queen was not only unacknowledged, but that it it was determined that she was not to be acknowledged. Every loyal man must witness such a course of proceeding with surprise and regret. He by no means intended to express any doubt of the disposition of his majesty to act with fairness and liberality upon this or any other occasion, but he must say that he was extremely surprised at the course which his ministers seemed inclined to take. Was it proposed that the dissolution should take place without making any distinct provision for the Queen? It was known, that the act by which 35,000*l.* a year were granted to her majesty had expired upon the demise of the king, and was it now intended to leave her unprovided for? In what situation was it meant that the queen of England should stand? Was she to be left as a beggar on the continent, or was she to depend for her subsistence upon the mere bounty of some person or persons in England? He maintained, that as queen she was peculiarly entitled to the attention of that House, and that something definite as to the means of her future provision should be immediately stated. He was quite sorry to see the manner in which the queen was treated. Why was was not an address of condolence and congratulation voted to her majesty upon the demise of the king, and upon the accession of her husband to the throne, as was the case with regard to the queen consort of George 2nd? Upon what ground was the queen passed by altogether upon this occasion, or why was her majesty's name omitted in the Liturgy? He did, he must confess, expect a different course from ministers. But her majesty was so completely slighted, that it was quite unknown to the public in what manner she was hereafter to be treated. If the queen were to land at Portsmouth tomorrow, there was no arrangement or understanding how she was to be received, or whether she was to meet the marks of recognition and respect usually evinced towards the members of the royal family, or how the public functionaries were to behave towards her majesty. These were circumstances, with regard to which some explanation should be given to the House and the country, and he called upon the noble lord to give that explanation in definite terms. He asked the noble lord, how the wedded wife of the king was to be treated, or whether as a husband in private life was bound by law to provide for the subsistence of his consort, the queen consort was to have any settled provision?

It was due to the rank which her majesty held in the constitution, as well as to the character of the country and the claims of public justice, that the means of providing for the maintenance of her dignity should be definitively fixed—that she should not be left dependent upon mere bounty, and that, as she lived separate from her husband, some distinct provision should be made for the adequate support of her exalted station.

Lord *Castlereagh* said, he thought the answer which he had given the hon. gentleman on a former evening would have been deemed quite satisfactory. If the hon. gentleman had waited for the motion which the chancellor of the exchequer proposed to submit, he would have seen that no distinct provision was to be voted for the king, any more than for the high personage to whom he had alluded, but that a sum was to be voted from the consolidated fund, out of which it was intended to make provision for that high personage, as well as for the general purposes of his majesty. He expressed his regret, that any attempt should be made at present to press into discussion the very delicate question adverted to by the hon. gentleman, as such discussion was but too likely to create a ferment in the country, while it was calculated to give pain to the illustrious personages more immediately interested. The hon. gentleman might be fully assured that the high personage to whom he referred was by no means likely to experience any thing like harshness or inattention [Hear, hear!].

Mr. *Hume* observed, that his wish was to have a distinct provision for the queen, at least equal to that which she enjoyed under the late act of parliament.

Lord *Castlereagh* stated, that such provision was intended to be granted out of the sum for which his right hon. friend proposed to move.

Mr. *Tierney* declared his unwillingness to vote any sum for the queen, until some explanation should be given or promised as to the rumours which had gone abroad with respect to her conduct upon the continent. He agreed with the noble lord in thinking this a very delicate question to be discussed in that House. But by whom was it brought into discussion? Why, by ministers themselves, who, although they deprecated this discussion at present, held out the prospect of some such discussion at a future—[here lord Castlereagh intimated his dissent]. "Then," said Mr. T. "I mistook the noble lord; and that mistake is an additional reason with me for resisting the proposed grant." So it seemed that there was to be no discussion at all upon the conduct of the queen, after all the world had heard about that conduct. Yet it would appear that her majesty was not to be recognized. He would ask the noble lord, whether any thing like recognition had taken place, or was meditated? Was the queen yet aware of the death of the king, or of the situation in which she stood in consequence of that event? Had any communication been made to her majesty upon the subject on the part of his majesty's ministers? How came it that the name of the queen was omitted in the Liturgy? These things required explanation. But from the whole of the circumstances connected with this transaction, as well with regard to his majesty as with regard to his consort, he had no hesitation in stating, that the king had been betrayed or the queen had been insulted [Hear, hear!]. As an honest member of parliament, he felt himself called upon to make this declaration. He was not actuated by any party motive or personal prejudice whatever, but he would repeat, that in this case, either the king was betrayed or the queen was insulted [Hear, hear!]. He had heard of rumours with regard to the behaviour of the queen, which, if true, could leave no doubt that she was totally unworthy to occupy the throne of England; and if so, the king was surely entitled to the same justice that the law granted to the lowest subject in relieving him from a degraded connexion. This was a discussion into which he entered with the utmost reluctance. He was fully aware of its delicacy, and he could not advert to it without pain, but he felt that he must do his duty. He had heard of a commission having been sent to the continent, in order to collect evidence as to the misconduct of the queen; and was it possible that the noble lord, with evidence in his pocket to show that misconduct, could attempt to apply to that House for any grant of public money to an unworthy person? This was really a case of such a nature, as that House was bound to sift to the bottom, and if the rumours in circulation were true, justice should be promptly done to his majesty; while, on the other hand, if these rumours were mere calumnies, no time should be lost in vindicating the character of the queen. One party or the

other must have been grossly ill treated. But when, he would ask, were the rumoured discoveries made with regard to the misconduct of the Queen? Upon the death of the queen, about twelve months ago, the liturgy was altered, and on that alteration it was directed that the princess of Wales should be distinctly prayed for. Yet, on the late alteration of the Liturgy, the name of this illustrious personage is left out. The discovery, then, of the alleged misconduct must have been made within the last twelve months, or whence the difference between these two periods? Why was she to be publicly prayed for as princess of Wales, whose name was to be altogether suppressed when she became queen of England? Now the question was brought before the House and the country, it must not be blinked, and he, for one, had no hesitation in saying, that if the queen were really guilty of the rumoured misconduct, no quibbles of law, or quirks in evidence, should prevent justice from being immediately rendered to the king. But, on the other hand, if the queen had been calumniated, he would have her character completely vindicated, and all her rights asserted and maintained. But until her character was re-established, he could not consent to vote her a penny of the public money. While the noble lord called her merely that "high personage," instead of recognizing her as the queen—while all Italy, nay, all Europe, was filled with rumours of her guilt, and of official inquiries about it—while her name was omitted in the Liturgy—while she was not acknowledged, he could not agree to vote her the means of maintaining herself, until the reasons for such extraordinary circumstances as he had recited should be satisfactorily explained. The thick cloud that covered this case must be removed—the deep mystery in which it was involved must be unravelled, before his mind could be satisfied as to the propriety of the proposed grant. He had every disposition to do justice to the queen; and no one would, perhaps, go farther to support her right when her innocence was established. He had no personal knowledge whatever of her majesty. He never received—he never expected any favour from her. His object was to have her case fully explained, from an anxiety for justice, and from a solicitude to maintain the moral dignity and high character of the monarchy of England.

Mr. *Brougham* observed, that if his right hon. friend felt so peculiarly the delicacy of discussing this question, he hoped the House would, for various reasons, give him credit for feeling that delicacy even more. He could not, indeed, enter into this discussion without pain, but he hoped the House would indulge him with its attention for a few moments, and the more so, as he differed very materially from the views of his right hon. friend upon the subject. He concurred fully with his right hon. friend as to the importance of the question alluded to, but he felt, he apprehended, still more than his right hon. friend, the difficulty and the delicacy which that question involved. There was no difficulty, however, in his view, in that part of the case upon which his right hon. friend had so much dwelt, because it did not appear to him a matter of any importance whether the queen were recognized or not by any of the means recited by his right hon. friend. For whether her name were inserted or omitted in the Liturgy or in any act of council, she was constitutionally and indisputably queen consort. Being indeed the wedded wife of the king, the moment he succeeded to the crown she was *eo ipse* queen of England. Upon the demise of his father she in fact became as lawfully and rightfully the queen as her husband became the king of this country. Her title, then, did not depend upon any words in the Liturgy, or upon any act of council, or upon any expression which a minister of the Crown thought proper to employ in that House. Such things, indeed, had no effect whatever upon the rights of the queen;—they were "trifles light as air," and could not operate in the slightest degree to impeach the title of her majesty. Nor was it in the power of that House, by any vote it thought proper to pronounce, to impeach that title.—So much as to the title of the queen, and now as to the proposed vote of provision for the maintenance of her dignity. That provision was, it appeared, to be made out of the general sum for which the minister was about to move, and if that sum were sufficient to afford this provision in addition to all the other objects of the grant, that must, he apprehended, serve to answer the purpose of those who were solicitous for the adequate supply of her majesty. Out of the proposed grant, the proportion which would be requisite to make good to the queen the loss of her late revenue of 35,000*l.* a-year, would be

furnished, and that arrangement was at present to his mind quite satisfactory, for he could not rest upon mere technical objections. — Then, as to the rumours to which his right hon. friend had alluded, and which were imagined to cast a cloud of suspicion upon the character of the queen, he totally disregarded such rumours. He would, indeed, refuse his ears to every thing like rumour, suspicion, or insinuation, so long as her majesty remained queen consort. He would listen to no tales about inquiry or commission, nor would he allow the rumoured result of any rumoured inquiry to have the slightest effect upon his judgment. But if any thing in the shape of a distinct charge against the queen should be brought before that House, he hoped he should be found to act as became an honest member of parliament, by pronouncing a fair decision, not only between the parties immediately concerned, but with regard to the public interest, which the consideration of such an important question must necessarily involve. He trusted he would be found, in such a case, ready to do equal justice to the queen, to the king, and to the public, with a due regard to all the national and constitutional points naturally belonging to such an investigation. But till some specific charge should be submitted to that House, his lips should be sealed upon the subject; but he must say, that, in justice to the high personage alluded to, he thought that no opinion should be expressed upon her conduct merely on the authority of rumour. If any charge should be preferred, he begged it to be recollected that this illustrious personage was not remarkable for any slowness to meet accusation, nor for any difficulty to prove her innocence. Remembering, then, her alacrity on the subject of former charges, it was but candid to give her credit for equal alacrity to meet any charges that might hereafter be advanced, and for equal facility, too, in confounding her accusers [Hear, hear!]. But the question which his right hon. friend had thought proper to discuss was of such an important character, that he hoped gentlemen would at all times feel the propriety of considering it with calmness and temper—that bound up as that question was with the feelings of all the royal family, he trusted no appeal upon the subject would ever be made to any turbulent passions out of doors [Hear, hear!]. Such an appeal, indeed, upon such a subject could not be too forcibly deprecated at any time, because its only effect would be the radical subversion of the principles of justice. But especially under existing circumstances an appeal of that nature must serve to raise a ferment in the country, and to have the names of illustrious personages dragged through the mire of every hustings throughout the empire [Hear, hear!]. If any discussion of this important question should ever arise in parliament, its character was ample guarantee for the examination of the subject with justice, moderation, and candour; and deeply interested, as he must be in the question, from professional considerations, as well as from his duties as a member of that House, he would enter into the discussion with a full confidence of an equitable result.

Lord *Castlereagh* rose only for the purpose of thanking the hon. and learned gentleman for a speech which did equal honour to his head and his heart, and which must have carried conviction to all who heard it. His majesty's ministers had not lost sight of the inconvenience which might arise from a lapse of the provision which had been made for an illustrious personage, and it was their intention to submit a suitable measure to the consideration of the House.

The House then resolved itself into a committee of supply; and the chancellor of the exchequer proposed a vote of 200,000*l.* towards satisfying such annuities and pensions as would have been paid out of the consolidated fund, in case the demise of his majesty had not taken place. Also for a sum not exceeding 50,000*l.* to provide for such expenses of a civil nature as did not form a part of the ordinary charges.—Agreed to.

INSOLVENT DEBTORS' BILL.] Lord *Althorp* moved the second reading of the Insolvent Debtors bill. He said that one of the principal objections which had been made to this bill was the clause which gave the creditor a power to compel the surrender of the debtor's effects, and afterwards to imprison him. It had been contended, that it would be hard to compel the debtor to surrender his property, when he had rather remain in prison; but he could not help considering this as one of the great advantages of the bill. It was extremely desirable to give effect to the principle which gave the creditor a power over the property rather than the

person of the debtor. In the present state of the law, a man might remain in prison for any length of time, and set his creditors at defiance. As to the making of freehold property liable to the payment of debts, an arrangement would be made on this point, which would, he hoped, prove satisfactory. The strongest objection had been made to the clause giving the creditor a power of imprisonment after the debtor surrendered, which had been considered by many persons as a very severe and unnecessary power. As the law stood at present, the debtor must remain three months in confinement previous to being brought up for judgment, and this was agreeable to the principle of imprisonment, which was to be regarded not as a punishment but as a security for the creditor. When, however, the *cessio bonorum* was adopted as the principle of legislation between debtor and creditor, the imprisonment was to be taken more as a punishment than before, and if not resorted to, those persons would escape with the greatest impunity who had contracted debts with the least ability to discharge them.

The bill was ordered to be read a second time this day fortnight.

## HOUSE OF COMMONS.

*Tuesday, February 22.*

The Queen.] On the resolution being put, "That there be granted 200,000*l.* towards satisfying such pensions, payments, and allowances as would have become payable out of the consolidated fund of the United Kingdom of Great Britain and Ireland, or out of the civil list, in case the demise of the Crown had not occurred before the 5th of April,"

Mr. *Tierney* said, he wished to know from what fund, the money necessary for the support of the queen was to be paid? During the late reign, provision was made for the princess of Wales, but now that royal personage was queen of England.

The *Chancellor of the Exchequer* observed, that the money to be paid out of this grant would, were it not for the demise of the Crown, have been paid in the usual way to the princess of Wales. All that was intended was, to pay the sums now due in the same manner as if that melancholy event had not taken place.

Mr. *Tierney* denied the power of the right hon. gentleman to make any such payment. The grant of the princess of Wales was one of those grants which were subject to the life of the king. Besides, there was not now any such person as the princess of Wales. If it was intended to grant, to her present majesty a similar provision to that made for the princess of Wales, words to that effect ought to be introduced. If the chancellor of the exchequer granted a single penny in any other manner, he would be guilty of an offence to the House of Commons.

The *Chancellor of the Exchequer* said, the right hon. gentleman knew that this or any other payment, officially made, could not alter the state of the party receiving it.

Mr. *Tierney* observed, that the only provision he knew of was made for the princess of Wales—but there was now no such personage in existence. How, then, could they vote a grant of this kind? He knew the right hon. gentleman dared not mention the name of the queen. But could they, he would ask, give to an individual not mentioned in the grant a sum of money voted to another person? He should like to hear the chancellor of the exchequer mention the name of the queen, as he wished to have it recorded on the Journals.

The *Chancellor of the Exchequer* said, that the sum formerly granted to the princess of Wales was now payable to the queen, and to no other person.

Mr. *Tierney* repeated, that there being no such personage as the princess of Wales, any grant to the queen should be so stated to parliament.

The *Chancellor of the Exchequer* said, that the individual to whom the grant had been made still remained, though her political character was changed. Her majesty had a right to receive in her present situation what had been granted to her in another.

Mr. *Hume* asked, why such difficulty was made about mentioning at once that the grant was for the queen? By merely stating this the objection of the right hon. gentleman would at once be met.

Mr. *Lushington* said, that the grant moved for was stated to be for paying of annuities, &c. payable out of the civil list, and which would have been duly paid but for the demise of the Crown. It would be improper to mention the name of her majesty as one of the persons receiving an annuity, unless all the other names were also mentioned, which it

would at once be seen would be extremely inconvenient.

The resolution was agreed to.

## HOUSE OF LORDS.

*Thursday, February 24.*

QUESTION OF PRIVILEGE—RESOLUTIONS OF THE COMMONS RESPECTING A SUPPLY, &c.] The Earl of *Lauderdale* rose, in pursuance of notice, observing that the case he had to state was so plain and clear that there was no necessity for taking up much of their lordships' time. It had been the uniform practice of parliament, for a great number of years, that all the votes of supply passed by the House of Commons, during the session, should be included in an appropriation bill, which came up to that House for its assent in the usual way, and it was the undoubted right of their lordships thus to exercise a legislative power with regard to the supplies voted by the other House. In the present instance that practice had, without any necessity, been departed from, and he thought it was incumbent upon their lordships to assert their undoubted rights, and to pass some resolution disapproving of such a proceeding—a proceeding which was certainly contrary to the constitution, and which was so decided in 1784, when the House of Commons passed a resolution, declaring it a high crime and misdemeanor for any officer of the Crown to apply money in any branch of the public service without the authority of an act of parliament. But in this case there were not only the votes of sums of money for the public service, but the House of Commons had actually voted a sum of money to pay annuities under the civil list act, which expired on the demise of his majesty; and they had thus assumed a power, of their own authority, to suspend the operation of the law which declared that these annuities should not be paid. This particularly applied to the case of the annual sum granted to the princess of Wales. Were ministers aware to what extent these votes went? Was it not the effect of them to continue to the king the income granted to his majesty as prince of Wales, as well as the amount of the civil list, whilst a portion of the hereditary revenues also fell to the Crown? Respecting the latter there was no account, and ministers themselves did not seem to be aware of the extent to which the votes went. It was in vain for the noble earl opposite to recur to the precedents of 1784 and 1807: in these cases parliament was dissolved by the act of the Crown without any previous communication of its intentions, but in the present case there was a previous communication of the intention of the Crown to dissolve the parliament, which rendered the present case perfectly unprecedented. If the House of Commons could then, in one instance, assume the power of voting the public money without the concurrence of their lordships, what was to prevent them from setting aside the privileges of their lordships' House? It surely was incumbent upon the noble lords opposite to take care that no such precedent was established, for if the universal suffrage and annual parliament men could unhappily gain the ascendancy, there could be no doubt that the first step of a House of Commons so constituted would be to set aside the legislative privileges of that House, and here would be a precedent established to assist them. He concluded by moving the following resolutions:—

"Resolved—That it appears from the votes of the House of Commons now on the table of this House, that the Commons' House of Parliament have voted the following resolutions:—1. That a sum, not exceeding 2,000,000*l.*, be granted to his majesty to pay off and discharge Irish treasury bills, charged upon the aids or supplies of 1820, outstanding and unprovided for. 2. That a sum, not exceeding 50,000*l.*, be granted to his majesty, upon account, to enable his majesty to provide for such expenses of a civil nature, as do not form a part of the ordinary charges of the civil list for the year 1820. 3. That there be granted to his majesty the sum of 200,000*l.*, towards satisfying such annuities, pensions, or other payments, as would have been payable out of the consolidated fund of the United Kingdom of Great Britain and Ireland, or out of the civil list, in case the demise of his late majesty had not taken place, before the 5th day of April, 1820. 4. That a sum, upon account, not exceeding 200,000*l.* nett, be granted to his majesty towards defraying the charge of army services in Ireland for the year 1820. 5. That a sum, upon account, not exceeding 600,000*l.*, be granted to his majesty towards defraying the charge of army services at home and abroad, except in Ireland, for the year 1820."

"Resolved—That the Commons' House of Parliament, informed by his majesty's message of the intended dissolution of parliament, have, in these resolutions, attempted to appropriate money to be paid for services subsequent to the dissolution, which can only legally be effected by an act of parliament appropriating the supplies voted; and that they have farther, in a most unprecedented manner, assumed the power of providing for, and authorising the payment of certain pensions and annuities, subsequent to the dissolution of parliament, which by law are declared to be at an end.

"Resolved—That, under these circumstances, we feel it our duty to declare, that though we regard these proceedings as derogatory to the privileges of this House and of parliament, yet we are induced, by a sense of the state in which public business is now placed, to forbear from any immediate proceedings, and to declare, that we will concur in indemnifying those who may pay money, or otherwise act under these resolutions, which we must nevertheless deprecate, as threatening the subversion of the best and wisest principles of the constitution of our country."

The Earl of *Liverpool* observed, that it had been the invariable practice of parliament since the revolution, for no grant to be made, nor any sum to be levied upon the people, without the authority of an act of parliament; and this was so strictly adhered to, that in the case of a loan, though the bargain was made between the first lord of the treasury and the chancellor of the exchequer and the contractors, and the first instalment actually paid, still it was paid into the Bank, and not touched by any one till authorized to be drawn out for the public service by an act of parliament. But with respect to votes of supply, the practice had been different; it had been the constant practice for the House of Commons to vote various sums for different branches of the public service, under the authority of which votes alone the money had been applied. It was true that all these votes were included in the Appropriation bill; but the fact was, that frequently, particularly if the session was long, half the money wanted for the different branches of the public service had been expended before that bill was brought up to that House. He could not see any difference of principle, therefore, between the case he had just stated and that of a dissolution happening in the middle of the usual period of a session, when, after the meeting of the new parliament, an appropriation bill, including all the sums voted, might still be passed. As to the resolution passed in 1784, it proved the direct contrary of what was urged by the noble earl; as it showed that the practice of the House of Commons had been what he had just stated; and it was well known that the object of passing that resolution was to prevent a dissolution which was suspected to be intended by the Crown. But the passing such a resolution proved that the practice had been different to what that resolution referred to. With regard to the Civil List act, it was not correctly stated, that it had expired, as, though the sums named in it ceased to be payable, the regulations in the act were of the nature of permanent regulations, and all that had been done was to vote a sum for current expences for the quarter intervening between the dissolution of the present parliament and the calling of a new one. He did not see the necessity of coming to any resolution upon the subject; but at all events he could not agree to the resolutions of the noble lord, which conveyed a strong censure upon the House of Commons, their lordships having in their address to the throne pledged themselves to concur in any measure for expediting the public business. He was, however, ready to meet the views of the noble lord in some respects by a resolution recognizing the rights of that House, and he therefore moved as an amendment, to leave out the resolutions after the statement of the resolutions of the House of Commons, and to insert, "that this House, from the state of the public business, acquiesce in these resolutions, although no act may be passed to give them effect."

The Marquis of *Lansdowne* said, the question was one of the greatest importance, as affecting the constitutional rights of that House; and when it was asserted that their lordships had in their address to the throne agreed to expedite the public business as much as possible, he must tell the noble earl that they had not agreed to abandon their constitutional rights. The cases where the House of Commons acted in the usual manner in their votes, without being informed of there being any intention on the part of the Crown to dissolve them, were totally different from the present instance, where

the information of the intention of the Crown to dissolve the parliament had been given, and where consequently, every arrangement might have been made to ensure a regular course of proceeding. That it had been uniformly the case since the Revolution, for the grants of public money made by the other House to pass under the review of their lordships in order to their being incorporated in an act of the legislature, could not be denied; and the noble earl most erroneously described the Resolution of the House of Commons, in 1784, when he said that it proved the practice of the House to be different. The fact was, that the resolution was merely declaratory of the law of the land. It had been most truly observed by his noble friend, that for the House of Commons to assume the power of voting the public money without the concurrence of their lordships, was a most injudicious precedent to set, for there could be no doubt, that if those persons who aimed at our institutions and establishments could unhappily obtain the ascendancy, the first step of a House of Commons constituted by them, would be to take away the legislative privileges of their lordships. His noble friend had also observed upon the anomalous proceeding to which recourse had been had with regard to the civil list, it appearing that his majesty would not only, pending the dissolution, have his revenue as king of England, but also that which was granted to him as prince of Wales, and a portion of the hereditary revenues of the Crown.

The Earl of *Liverpool* said, the vote on account of the civil list was for a specific sum, 200,000*l.*, and that it did not in the least interfere with the settlement of the civil list by the new parliament. As to the payment of the annuities under the civil list act, it was nothing more than would have been done as a matter of course for the current quarter, had parliament continued sitting.

The Earl of *Donoughmore* acquiesced in the amendment, by which he thought quite enough was done to protect the privileges of the House.

The amendment was then carried.

BARNSTAPLE.] The Earl of Lauderdale presented a petition from the mayor and aldermen of Barnstaple against the Writs Suspension bill, and praying that they might be heard by counsel against it on the second reading. The petition was laid on the table, and lord Lauderdale moved that the petitioners be heard by counsel on the second reading. The earl of Caernarvon wished their lordships to proceed as speedily as possible to the discussion of the principle of the bill; but the time that counsel must occupy would prevent that object, if they were called in on the second reading. He therefore proposed that they should be heard in the committee, or on some subsequent stage of the bill. A conversation followed, in which lord Lauderdale and the lord chancellor supported the motion, and lords Grosvenor, Caernarvon, Lansdowne, and Dacre, opposed it. A division took place, when the numbers were Contents, 12; Non-contents, 11. It was accordingly ordered that counsel should be heard to-morrow.

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## HOUSE OF LORDS.

*Tuesday, February 25.*

MUTINY BILL, &c.] On the third reading of the Mutiny bill.

Earl *Grosvenor* objected to the amount of the force with which the country was burdened, but he did not mean to oppose the bill in the present state of the public business. He could not, however, look with any satisfaction at the termination of the present parliament, when he reflected upon the various measures that might have been taken into consideration with advantage to the public, but which would be interrupted by the dissolution; and when he considered also that there was in reality nothing, so far as he could understand, that need have prevented the session from being carried on to its usual termination. Amongst the important questions which ought to have been taken into consideration and determined upon, was the civil list; instead of which, the dignity of the Crown was actually left without any provision for its support. Connected with this subject there was also another important question relative to the situation of the queen; which whenever it did come under consideration he should discuss with the utmost freedom. He put it to the noble lords opposite, whether they ought not, before dissolving the present parliament, to have considered whether they could not have brought forward some measure for the amelioration of the condition of the people? It could not be denied that much

discontent and irritated feeling prevailed amongst the people, not only here, but in foreign countries; and when they heard of the assassination of the duke de Berri in France, and of the atrocious conspiracy discovered here, said to have for its object the assassination of his majesty's ministers, by a band of desperadoes, there could be no doubt of the existence of an highly irritated state of feeling. It was, however, for ministers seriously to consider whether the measures they had not long since carried through parliament, had not had an effect which was predicted from them by some of his noble friends—that of inducing men who were deprived of the privilege of openly meeting, to associate in secret cabals, leading to the most mischievous consequences? It had been precisely so in France, where, whilst a liberal system prevailed in the government, there was a feeling of satisfaction on the part of the people; but when a disposition was evinced of resorting to arbitrary measures, then followed a highly irritated state of public feeling, and an atrocious assassination. And it was for ministers to consider whether the harsh measures they had resorted to, unaccompanied by any manifestation of a desire to alleviate the discontents of the people, had not a tendency to excite to acts of assassination.

The Earl of *Lauderdale* spoke to order, observing, that it was highly improper to charge any body of men, whether on the ministerial or opposition side of the House, with conduct that tended to excite to assassination.

Earl *Grosvenor* disclaimed the slightest intention of imputing to any persons conduct that tended to excite to assassination; he only meant to dwell upon the expediency of resorting to such measures as might tend to alleviate the discontent of the people: he did not mean that any effort should be made to satisfy wretches who conspired assassination, but that conduct should be pursued to conciliate a considerable portion of the people who were suffering under distress, arising from the great pressure of taxation.

The bill was passed.

Writs Suspension Bill.] The Earl of *Caernarvon* said, it had been the practice of the House of Commons for a long series of years to suspend the issue of new writs to boroughs charged with corruption, until the case of such boroughs could be thoroughly investigated. This was all that was asked by the present bill. The writs that had been suspended for many months, it was now only asked further to suspend, during the short interval between the dissolution of the present parliament and the calling of the new one. If they did not do this there was little hope that any permanent measure would be agreed to, as by allowing these four boroughs to return eight members their cases might become so complicated by new circumstances as to render it impossible to come to any decision respecting their original guilt. He was one of those who had always opposed general systems of parliamentary reform, but such a reform as was likely to arise from the proceedings recommended in the House of Commons with regard to those boroughs, was one to which their lordships ought to lend their zealous co-operation. He would ask them to consider what the feelings of the country would be, if, when they saw that a bill was brought into the other House, to annihilate altogether the rights of one of these boroughs on the ground of corruption, if when they saw that the motion was made by a young nobleman, a descendant of that family, who had made the name of Russell dear to the hearts of Englishmen, and that the leading minister in that House had declared his cordial assent to that species of reform, they found at the same time the ministers in their lordships' House prepared to interpose their chilling negative to the hopes and expectations of the people. The revival of the same corruption, of the same immorality and perjury, at the next general election, was an evil that ought to be avoided. It had been stated that it was a great hardship to take away the rights of these boroughs even for a day, but all they were asked to do, was that which the House of Commons itself could have done by its own authority, if it had not been for the dissolution. The situation of the boroughs in the passing of this bill, would be precisely that of an individual who was committed for want of bail, and whose rights were therefore suspended until his case could be tried. All he contended for was, that while the question was at issue between the petitioners and the country, that House should not decide against the country, for if the writs were issued, and members were again returned for these boroughs, without any proof that they

were elected by corrupt means, there was no way that he knew of to prevent such members from sitting in parliament. A case occurred in 1779, which appeared to him completely in point. Proceedings were adopted at that period against the borough of Shaftesbury. A bill was introduced shortly after into the House, empowering the Speaker to issue writs in cases of death during the prorogation, and in that bill a clause was introduced, suspending the operation of the act with respect to the borough of Shaftesbury during the period of the next prorogation. In that measure the House of Lords concurred. It could not be contended that the bill alluded to was a boon, from which an exception might be made; for the moment a law was passed, it was as much the law of the land as if it had existed for ages. Another objection to the bill was, that it commanded the sheriffs not to obey the king's writs. But what was the meaning of this objection? Did they mean to say it was disrespectful to the king, to pass a measure which could not be carried into effect without his own sanction and assent? It was absurd to suppose it. The learned lord on the woolsack had contended, on a former night, that when a public measure was passing, every body or individual, who felt themselves aggrieved, had a right to be heard by counsel, and their lordships had no discretion to refuse the exercise of that right. The present was not a private bill, it was a temporary measure to prevent a great inquiry from being prejudiced, and the greatest mischief might arise from the adoption of the general principle, that public measures might be delayed by the arguments of counsel, and the examination of witnesses at the bar. But was this principle adhered to, in cases where the standing orders were suspended to pass bills in one day, and was it too much to request, in the present case, that a measuse of such importance to the public interests should not be lost for ever? His lordship concluded by moving, that the order for the hearing of counsel at the bar on that day, should be discharged.

The Earl of *Liverpool* said, he had no wish that the present bill should be disposed of by any thing like a side wind; for though it was true that upon public measures it was not the practice to hear counsel, yet in that case the interests of parties were so directly affected, that it would be hard to refuse to hear them by counsel at the bar. He was one of them who thought that if a case of corruption could be fairly made out, a bill to disfranchise the borough so offending, was a measure fit to be entertained by parliament. But it was one thing to say that the borough should be disfranchised, when the case was made out, and another thing to say, that before the case was made out, the rights of such boroughs should be suspended, until they were proved to have forfeited them by evidence at the bar. He did not hesitate to say, that the power exercised by the House of Commons, of suspending the writs of boroughs, not disfranchised, was a very strong power. If the possession of that power was at this moment a new question, he would be disposed to doubt much the propriety of investing it in either House of Parliament. The House of Commons, however, had undoubtedly exercised the right, and it was not expedient to try it now. In the case of Shaftesbury, the House of Commons had exercised that right, and all that parliament did, by the clause alluded to in the new bill, was, to leave the case of Shaftesbury in the same state as it would have been in if the bill had not passed. It bore no reference to the present measure, which amounted to this—whether, when parliament had no existence, they would say, without having any evidence before them, that the rights of the Crown should not be exercised, nor those of the persons concerned, who were not yet proved to have been guilty. It was possible that their lordships might differ from the House of Commons; they had done so upon other occasions; and the very act of hearing evidence was in itself a presumption that they might differ. The measure was, in fact, a serious innovation upon the principles of the constitution, to which there was nothing analogous. It was said to be a serious inconvenience to proceed to elect members for the boroughs named in the bill; but the noble lord had seemed to forget, that four members out of the eight were now sitting. Nor was it true that the question as to the corrupt practices must drop; for if a sufficient case could be made out, they would go to the question as if nothing had since happened. The alternative for their lordships to consider was this—whether it would be better to run the risk of having eight members returned by undue influence, or to adopt the strong measure of depriving the people

of their rights for a time upon a principle supported by no analogy, or if by any analogy, by a remote one, founded on a practice of a very doubtful nature?

The Earl of *Darnley* declared his intention of voting for the bill.

The *Lord Chancellor* did not conceive that any argument which might be urged by counsel could at all change the opinion which he entertained on the subject. A noble earl had talked of the necessity of consulting the feelings and interest of the public. It was the conviction of his mind, resulting from long experience, that the only effectual mode of consulting the feelings and interest of the public was, by doing justice. Let parliament invariably do justice, and justice would eventually be done to them. Now, in the present instance, he contended it would be the height of injustice to agree to the bill, and thereby suspend the rights of a portion of the people, without any ground which would render such a proceeding warrantable. It was impossible that their lordships could be satisfied to take such a step without any evidence to show its expediency. Under existing circumstances, any attempt to obtain such evidence, at their own bar, would be futile; and, with all possible respect for the House of Commons, no noble lord, he presumed, would argue that their lordships should proceed on the evidence taken before a committee of that House. Even if that evidence were admissible by their lordships, it did not at all go to the question of the expediency of disfranchising the boroughs in question, but merely established the corruption of a part of the electors. The fact, that the House of Commons permitted four of the members for those boroughs to retain their seats, was a conclusive proof of this.

The Marquis of *Lansdowne* supported the bill. He was quite aware that a certain apparent inequality in the representation was desirable, as producing a greater real equality of representation than any theoretical system proceeding on a different principle. But he maintained, that when this was carried to excess, it ought to be corrected. He admitted, that individuals and bodies of individuals ought to be protected in their rights; but it should never be forgotten, that they possessed those rights, and ought to exercise them, not for selfish purposes, but for the general benefit. All that the bill tended to do was, to suspend the exercise of the elective franchise in the boroughs in question during the interval which the expected dissolution would occasion, thereby leaving the question for the determination of the new parliament precisely in the state in which it was at present.

Earl *Grosvenor* farther explained the misapprehension which had taken place with respect to what had fallen from him at an earlier period of the evening, and expressed his conviction that no noble lord could for a moment suppose him capable of palliating the dreadful atrocity recently contemplated. On the question immediately before their lordships, he entirely concurred in the opinion of his noble friend who had just sat down.

The Earl of Lauderdale moved, that the farther discussion of the question be adjourned for a fortnight. On this motion their lordships divided—Contents, 22; Non-Contents, 11: Majority, 11.

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## HOUSE OF LORDS.

*Monday, Feb. 28.*

The Lords Commissioners' Speech at the Close of the Session.] After the royal assent had been given, by commission, to several bills, the following Speech of the Lords Commissioners was delivered to both Houses by the Lord Chancellor:—

"My Lords and Gentlemen;

"We are commanded by his majesty to inform you, that it is a great disappointment to his majesty, that on this first and solemn occasion he is prevented by indisposition from meeting you in person.

"It would have been a consolation to his majesty to give utterance in this place to those feelings with which his majesty and the nation alike deplore, the loss of a Sovereign, the common father of all his people.

"The King commands us to inform you, that in determining to call without delay the new parliament, his majesty has been influenced by the consideration of what is most expedient for public business, as well as most conducive to general convenience.

"Gentlemen of the House of Commons;

"We are directed by his majesty to thank you for the provision which you

ing a right to vote for a member to serve in parliament for any city, borough, town or place, attending any meeting of such city, borough, town or place, which may be called by the mayor or other head officer.

Punishing persons attending meetings contrary to the provisions of this act.

V. And be it further enacted, That if any person shall knowingly and wilfully attend any meeting holden for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, upon the subject thereof, not being a freeholder, copyholder, heritor, or householder of or inhabitant usually residing in the county or riding, or division of the county, or the stewartry, within and for which the meeting shall be holden, when such meeting shall be holden for any county, riding, division or stewartry, or not being a freeman or member of the corporation, if the meeting be of any corporate body, or a householder of or inhabitant usually residing, or freeholder or copyholder having such estate as aforesaid, in the city, borough, or town corporate, parish or township (as the case may be), within and for which any such meeting shall be holden, and not being such member of the Commons House of Parliament, attending as aforesaid, such person being convicted thereof, shall be liable to be punished by fine and imprisonment, not exceeding twelve calendar months, at the discretion of the Court in which the conviction shall be had.

Allowing justices to resort to assemblies.

VI. And be it further enacted, That all justices of the peace, sheriffs and under sheriffs, mayors, and other head officers aforesaid, are hereby respectively authorized and empowered, within their respective jurisdictions, where any meeting or assembly shall be holden, or be proposed to be holden, for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution or address, upon the subject thereof, to proceed to the place where such meeting or assembly shall be holden, or shall be proposed to be holden, and there to do or order or cause to be done all such acts, matters, and things, as the case may require, which they are hereby enabled to do, or to order to be done, or which they are otherwise by law enabled or entitled to do, or to order to be done; and it shall be lawful for all justices of the peace, sheriffs, under sheriffs, mayors, and other head officers respectively as aforesaid, to require and take the assistance of any number of constables, or other officers of the peace, within the district or place wherein such meeting as hereinbefore mentioned shall be holden, or any other persons in their aid or assistance, when they shall deem such aid or assistance to be necessary and requisite.

Cases where meetings shall be deemed unlawful.

VII. And be it further enacted, That in case any meeting shall be holden in pursuance of any such notice as aforesaid, and such notice shall express or purport that any matter or thing by law established may be altered otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled; or shall tend to incite or stir up the people to hatred or contempt of the person of his majesty, his heirs or successors, or of the government and constitution of this realm, as by law established; every such meeting shall be deemed and taken to be an unlawful assembly.

Persons attending meetings contrary to this Act, to be required by proclamation to depart.

VIII. And be it further enacted, That if any person or persons shall attend any meeting whatever, holden for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution or address, upon the subject thereof, contrary to the provisions of this act, it shall be lawful for any one or more justice or justices of the peace in and for any county, or the sheriff or under sheriff of any county, or the mayor or other head officer, or any justice of the peace of any city or town corporate, within which any such meeting shall be held, to make or cause to be made proclamation in the king's name, in the form directed in this act, commanding every person so unlawfully attending any such meeting immediately and peaceably to depart therefrom; and if any person or persons so ordered to depart as aforesaid, shall not, upon such proclamation, depart from any such meeting within the space of a quarter of an hour after such proclamation made, that then and in every such case, every such person so continuing and not departing as aforesaid, shall, upon being thereof lawfully convicted, be adjudged to be guilty of felony, and shall be liable to be transported for any period not exceeding seven years.

Form of proclamation.

IX. And be it further enacted, That the order and form of the proclamation to be made as aforesaid, shall be as hereafter followeth (that is to say), the justice of

the peace or other person, or one of the justices of peace, or one of the other persons authorized by this act to make the said proclamation, shall, among the said persons assembled, or as near to them as he can safely come, with a loud voice, command or cause to be commanded silence to be, while proclamation is making; and after that shall openly, and with loud voice, make or cause to be made proclamation in these words, or to the like effect:

"Our sovereign lord the king chargeth and commandeth every person here
"assembled, who is not a [freeholder, heritor of freeman of
" Member of householder of
" or inhabitant usually residing, or freeholder in, or
"copyholder in , naming the county, riding, division, stewartry,
"city, borough, town, body corporate, parish, or township, as the case may be], or
"who is not entitled to attend this meeting, immediately to depart from this meet-
"ing to his lawful business. GOD save the King."

Persons not entitled to attend meetings, and not departing upon proclamation, may be carried before a justice.

X. And be it further enacted, that when any such proclamation as aforesaid shall have been made at any meeting, it shall be lawful for any person lawfully attending such meeting, to seize and apprehend any person not entitled to attend such meeting, who shall not upon the making of such proclamation forthwith depart, and to carry such person before any justice of the peace of the county, riding, division, stewartry, city, or town corporate, within which such meeting shall be held, to be dealt with according to law.

Punishing persons assembled contrary to this act, not dispersing after being required so to do, by proclamation.

XI. And be it further enacted, That it shall be lawful for any one or more, justice or justices of the peace in and for any county, or for the sheriff or under sheriff of any county, or for the mayor or other head officer, or any justice of the peace of any city or town corporate, within which any meeting shall be held, or persons shall assemble for the purpose of holding any meeting contrary to the provisions of this act, or where any person or persons not entitled to attend any meeting or assembly as aforesaid, shall refuse or neglect to depart therefrom for the space of a quarter of an hour after such proclamation made as aforesaid, to make or cause to be made proclamation in the king's name, in the manner and form hereinafter directed, to command all persons there assembled to disperse themselves, and peaceably to depart to their habitations, or to their lawful business; and if any such persons so assembled as aforesaid shall, to the number of twelve or more, notwithstanding such proclamation made, continue together by the space of half an hour after such proclamation made, that then and in every such case every person so continuing, being thereof legally convicted, shall be adjudged guilty of felony, and be liable to be transported for any term not exceeding seven years.

Form of proclamation.

XII. And be it further enacted, That the order and form of the proclamation to be made as aforesaid, shall be as hereafter followeth (that is to say); the justice or justices of the peace, or other person authorized by this act to make such proclamation, shall, among the said persons assembled, or as near to them as he can safely come, with a loud voice, command or cause to be commanded silence to be, while proclamation is making, and after that shall openly, and with loud voice, make or cause to be made proclamation in these words, or to the like effect:

"Our sovereign lord the king chargeth and commandeth all persons here
"assembled, immediately to disperse themselves, and peaceably to depart to
"their habitations, or to their lawful business. GOD save the King."

Justices at meetings on notice may order persons propounding or maintaining propositions for altering any thing by law established, except by authority of the King, Lords, and Commons, &c. to be taken into custody, &c.

XIII. And be it further enacted, That if one or more justice or justices of the peace present at any meeting requiring such notice as aforesaid, shall think fit to order any person or persons who shall attend such meeting in any manner contrary to the provisions of this act, or who shall at such meeting proceed to propound or maintain any proposition for altering any thing by law established, otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled, or shall wilfully and advisedly make any proposition, or hold any discourse for the purpose of inciting and stirring up the people to hatred or contempt of the person of his majesty, his heirs or successors, or the government and constitution of this realm as by law established, to be taken into custody, to be dealt with according to law; and in case the said justice or justices, or any of them, or any peace officer acting under his or their or any of their orders, shall be forcibly obstructed in taking into custody any person or persons so ordered to be taken into custody, then and in such case it shall be lawful for any such justice or justices thereupon to make or cause to be made such proclamation as last aforesaid, in manner aforesaid; and if any persons, to the number of twelve or more, being required or commanded by such proclamation to disperse themselves, and peace-

Punishment of persons not departing after

proclamation made.

ably to depart as last aforesaid, shall, to the number of twelve or more, notwithstanding such proclamation made, remain or continue together by the space of half an hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony, and the offenders therein shall be adjudged felons, and shall be liable to be transported for any term not exceeding seven years.

Punishment of persons obstructing justices, &c.

XIV. And be it further enacted, That if any person or persons do or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any justice of the peace, or other person authorized as aforesaid, or any person acting in aid or assistance of any justice of the peace who shall attend or disperse any such meeting as aforesaid, or shall be going to attend or to disperse any such meeting, or any justice of the peace or peace officer, or any person or persons acting in aid or assistance of any justice of the peace or other officer who shall begin to proclaim, or be going or endeavouring to make any proclamation authorized or directed to be made under the provisions of this act, whereby such proclamation shall not be made; and also if any persons so being assembled as aforesaid, to whom any such proclamation as aforesaid should or ought to have been made, if the same had not been hindered as aforesaid, shall, to the number of twelve or more, continue together, and not disperse themselves within half an hour after such let or hindrance so made, having knowledge of such let or hindrance so made; and also if any person so being at any such assembly as aforesaid shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any justice of the peace or other magistrate, or any peace officer or other person acting in their aid or assistance, in the arresting, apprehending, or taking into custody, or detaining, in execution of any of the provisions of this act, any person or persons, or endeavouring so to do, that then and in every such case every person so offending, being thereof legally convicted, shall be adjudged guilty of felony, and be liable to be transported for any term not exceeding seven years.

Justices, &c. indemnified in case of killing or maiming.

XV. And be it further enacted, That if the persons assembled at any meeting or assembly held contrary to the provisions of this act, or which shall become and be an unlawful assembly, under the provisions of this act, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, or endeavouring to disperse, or arresting or apprehending or detaining them, or any of them, or in the endeavouring so to do, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that every such justice of the peace, sheriff, under sheriff, mayor, head officer, magistrate, high or petty constable, or other peace officer, and all and singular persons being aiding and assisting to them, or any of them, shall be free, discharged, and indemnified, as well against the king's majesty, his heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so continuing together as aforesaid, that shall happen to be so killed, maimed, or hurt as aforesaid.

Act not to extend to any meeting held in a private room.

XVI. Provided always, and be it further enacted, That nothing herein-before contained shall extend, or be construed to extend, to any meeting or assembly which shall be wholly holden in any room or apartment of any house or building; any thing herein-before contained to the contrary notwithstanding.

Act not to extend to meetings for returning members to parliament.

XVII. Provided also, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to any meeting held in any county, stewartry, city, borough, town, or place, returning any member to serve in parliament, after the issuing and before the return of any writ for the election of any member to serve in parliament for such county, stewartry, city, borough, town, or place.

Persons not to attend meetings with arms, weapons, &c.

XVIII. And be it further declared and enacted, That it shall not be lawful for any person to attend, proceed to, or be present at any meeting whatsoever, which shall be holden for the purpose or on the pretext of deliberating upon, or proceeding to deliberate upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, on the subject thereof, armed with any gun, pistol, sword, dagger, pike, bludgeon, or other offensive weapon; and that every person who shall offend in the premises, shall, upon being convicted thereof, be fined and imprisoned for any term not exceeding two years, at the discretion of the Court before which such conviction shall be had: Provided always, that nothing herein contained shall extend, or be construed to extend, to any justice of the peace, sheriff, under sheriff, mayor, or other head officer aforesaid,

or to any peace officer, or to any other person or persons acting in their aid or assistance, who shall attend, proceed to, or be present at any such meeting as aforesaid.

Persons not to attend meetings with flags, banners, and other ensigns or emblems.

XIX. And be it further enacted, That it shall not be lawful for any person to attend, proceed to, or be present at, or return from any meeting whatever, which shall be holden for the purpose or on the pretext of deliberating upon, or proceeding to deliberate upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, on the subject thereof, with any flag, banner, or ensign, or displaying or exhibiting any device, badge, or emblem, or with any drum or military or other music, or in military array or order; and that every person who shall offend in the premises, shall, upon being convicted thereof, be fined and imprisoned for any term not exceeding two years, at the discretion of the Court before which such conviction shall be had.

Sheriffs depute, &c. in Scotland, to have the same powers as magistrates in England.

XX. And be it further enacted, That the sheriffs depute and their substitutes, stewards depute and their substitutes, justices of the peace, magistrates of royal burghs, and all other inferior judges and magistrates, and also all high and petty constables, or other peace officers of any county, stewartry, city or town, within that part of the United Kingdom called Scotland, shall have such and the same powers and authorities for putting this present act in execution within Scotland, as the justices of the peace, and peace officers and constables aforesaid, respectively have, by virtue of this act, within and for other parts of the United Kingdom.

Justices at sessions may subdivide large parishes and Townships for all the purposes of this act.

XXI. And be it further enacted, That it shall be lawful for the justices of the peace, assembled at any quarter or general sessions of the peace, in any case in which they shall deem it expedient for the purpose of preventing tumultuous meetings, to divide any parish or township within their jurisdiction, having a population exceeding, in the judgment of the said justices, twenty thousand inhabitants, into two or more divisions, for all the purposes of this act, and to assign the boundaries of such divisions; and that a registry of such divisions so made, specifying and describing the boundaries so assigned, shall be entered with the clerk of the peace of the county, riding, or division within which such parish or township is situate, and a duplicate thereof shall be transmitted to the churchwardens and overseers of the poor, or to the minister and elders, or to the kirk session of the parish or township so divided, to be by them preserved and kept with the books of such parish or township, and copies thereof shall be put up, and from time to time (in case of the removal) replaced, upon the doors of the church of such parish or township; and when any such parish or township shall be so divided, each of such separate divisions shall, for all the purposes of this act be deemed a separate parish or township; and all the clauses, provisions, regulations, matters, and things, in this act contained, relating to any assemblies or meetings in parishes or townships, shall apply and be enforced, as to all such separate division of parishes or townships, as fully and effectually as if the same were severally and separately repeated and re-enacted in relation thereto: provided always, that no such division shall contain a population, which in the judgment of the said justices shall consist of less than ten thousand persons.

Extra-parochial places to be deemed parishes for the purposes of this act.

XXII. And be it further enacted, That every extra-parochial place shall be deemed and taken to be a parish or township, for all the purposes of this act; and all the clauses, provisions, regulations, matters and things in this act contained, relating to any assemblies or meetings in parishes or townships, shall apply and be enforced as to all extra-parochial places, as fully and effectually as if the same were severally and separately repeated and re-enacted in relation thereto.

Meetings may be held under this act in certain parishes in Westminster, within one mile of Westminster-hall gate, notwithstanding act of 57 G. 3, c. 19.

XXIII. And whereas by an act passed in the fifty-seventh year of the reign of his present majesty, intituled an act for the more effectually preventing seditious meetings and assemblies, certain regulations are enacted in relation to meetings in the city or liberties of Westminster, or county of Middlesex, which might prevent any meeting under the provisions of this act, in the parishes of Saint John and Saint Margaret, Westminster; be it therefore enacted, That it shall be lawful to hold any meetings in such parishes respectively, which may be held under the provisions of this act, within the distance of one mile from the gate of Westminster-hall, provided that the same shall not be held in Old or New Palace-yard at any time during the sitting of Parliament; any thing in the said recited act to the contrary notwithstanding.

Act not to legalize notices, meetings, &c.

XXIV. Provided always, and be it enacted and declared, That nothing herein contained shall be deemed or construed to render lawful any notice, or any

or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and if such action shall be brought or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury shall find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action after appearance, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

Double costs.

Limitation of actions, &c. in Scotland.

VII. And be it further enacted, That every action or suit which shall be brought or commenced against any person or persons in Scotland, for any thing done or acted in pursuance of this act, shall in like manner be commenced within six calendar months after the fact committed, and not afterwards, and shall be brought in the court of session in Scotland; and the defender or defenders may plead that the matter complained of was done in pursuance of this act, and may give this act and the special matter in evidence; and if such action or suit shall be brought or commenced after the time limited for bringing the same, then the same shall be dismissed; and in such case, or if the defender or defenders shall be assoilzied, or the pursuer or pursuers shall suffer the action or suit to fall asleep, or a decision shall be pronounced against the pursuer or pursuers upon the relevancy, the defender or defenders shall have double costs or expenses, which he or they shall and may receive in such and the same manner as any defender can by law recover costs or expenses in other cases.

Double costs.

Act to extend to certain counties, and others by proclamation.

VIII. And be it further enacted, That this act and all the provisions thereof, shall extend to the several counties of Lancaster and Chester, and to the West Riding of the county of York, and to the counties of Warwick, Stafford, Derby, Leicester, Nottingham, Cumberland, Westmoreland, Northumberland, Durham, Renfrew, and Lanark, the counties of the towns of Newcastle-upon-Tyne and Nottingham, and of the city of Coventry, and such other counties or ridings of Great Britain as his majesty shall from time to time, upon the representation made by the justices assembled at any quarter or general session of the peace, or by any general meeting of the lieutenancy of any county or riding, in consequence of any disturbance therein, by any proclamation made by and with the advice of his privy counsel, declare to be so disturbed as to make it necessary that the provisions of this act should be enforced therein; and then and in such case this act shall be in full force as to any such county or counties, or ridings, from the day specified in any such proclamation, as if such county or riding had been contained in this act.

His majesty in council may restrict or extend the operation of the act.

IX. Provided always, and be it further enacted, That it shall be lawful for his majesty, by and with the advice of his privy council, by proclamation, to declare that this act shall be no longer in force in any counties or ridings specified in this act, or in any county or riding to which the provisions of this act *shall have* been extended by proclamation as aforesaid; and from and after the period specified in any such proclamation, the powers of this act shall no longer be in force in such county or riding: provided always, that nothing herein contained shall prevent or be construed to extend to prevent his majesty, upon such representation and by such advice as aforesaid, declaring by proclamation any such county or riding to be again within the powers of this act.

Duration of this act.

X. Provided always, and be it further enacted, That this act shall be and continue in force until the twenty-fifth day of March one thousand eight hundred and twenty-two.

Act may be repealed or altered this session.

XI. And be it further enacted, That this act may be repealed in the whole or in any part thereof, or in any manner altered or amended, during the present session of parliament.

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## No. III.—*Copy of the Misdemeanors Bill.* 60 *Geo. III. Chap.* 4.

### An Act to prevent Delay in the Administration of Justice in Cases of Misdemeanor.

WHEREAS great delays have occurred in the administration of justice, in cases of persons prosecuted for misdemeanors by indictment or information in his majesty's courts of King's-bench at Westminster and Dublin, and by indictment at

persons desiring the same, to open such house, room, or other building for the purpose of delivering, for money, any such public reading, lectures, or discourses as aforesaid, or for the purpose of holding debates on any subjects, the same being clearly expressed in such license, for which license a fee of one shilling and no more shall be paid; and the same shall be in force for the space of one year and no longer, or for any less space of time therein to be specified; and which license it shall be lawful for the justices of the peace of the same county, stewartry, city, borough, town, or place, at any general quarter or general sessions of the peace, to revoke and declare void and no longer in force, by any order of such justices, a copy whereof shall be delivered to or served upon the person to whom the said license so revoked shall have been granted, or shall be left at the house, room, or building for which such licence shall have been granted; and thereupon such license shall cease and determine, and be thenceforth utterly void and of no effect.

Justices may inspect licensed places:

XXX. Provided always, and be it enacted, That it shall be lawful for any justice or justices of the peace of any county, stewartry, city, borough, town or place, where any such house, room, or other building shall be licensed, as herein provided, to go to such house, room, or building so licensed, at the time of any such public reading, or delivering any such lecture or discourse, or of holding any debate therein as aforesaid, or at the time appointed for any such public reading, or delivering any such lecture or discourse, or of holding any debate, and demand to be admitted therein; and in case such justice or justices shall be refused admittance to such house, room, or building, the same shall be deemed, notwithstanding any such license as aforesaid, a disorderly house or place within the meaning of this act; and all and every the provisions herein-before contained respecting any house, room, field, or place, herein-before declared to be a disorderly house or place, shall be applied to such house, room, or building so licensed as aforesaid, where such admittance shall have been refused as aforesaid; and every person refusing such admittance shall forfeit the sum of twenty pounds to any person who shall sue for the same.

Penalty for refusing admittance, 20l.

Lectures at the universities, inns of court, Gresham college, &c. excepted.

XXXI. Provided always, and be it enacted, That nothing in this act contained shall extend or be construed to extend to any lecture or discourses to be delivered in any of the Universities of the united kingdom, by any member thereof, or any person authorized by the chancellor, vice-chancellor or other proper officers of such Universities respectively; or to any public reading, or lecture or discourse, to be delivered in the public hall of any of the inns of court or chancery, by any person authorized by the benchers of the inns of court; or by the professors in Gresham College; or to the professors in the college established for the education of the civil servants of the East India Company, or the seminaries established for the education of their military service; or to any society or body of men incorporated or established by royal charter, or by authority of parliament; and that no payment made to any schoolmaster, or other person by law allowed to teach and instruct youth, in respect of any public readings, or lectures or discourses, delivered by such schoolmaster or other person, for the instruction only of such youth as shall be committed to his instruction, shall be deemed a payment of money for admission to public readings, or such lectures or discourses, within the intent and meaning of this act.

Forfeiture of licence in case of seditious or immoral lectures.

XXXII. Provided also, and be it enacted, That it shall be lawful for any two justices of the peace, acting for any county, stewartry, riding, division, city, town, or place, upon evidence on oath that any house, room, or place so licensed and opened as aforesaid, is commonly used for the purpose of public reading or delivering lectures or discourses of a seditious, irreligious, or immoral tendency, to adjudge and declare the license for opening the same to have been forfeited; and such license shall thereupon cease and determine, and shall thenceforth be utterly void and of no effect.

Recovery of penalties.

XXXIII. And be it further enacted, That all or any of the pecuniary fines, penalties, or forfeitures, exceeding the sum of twenty pounds, incurred under this act in that part of Great Britain called England, or in Ireland, may be recovered by action of debt in any of his majesty's courts of record at Westminster and Dublin respectively, and in Scotland in the court of session there; and it shall be sufficient to declare in that part of Great Britain called England, and in Ireland, or conclude in Scotland, that the defendant or defender is indebted to the plaintiff or pursuer in the sum of (being the sum demanded by the said action), being forfeited by an act made in the sixtieth year of the reign of his present majesty, intituled An Act [here insert the title of this act]; and the plaintiff or pursuer, if he shall recover in such action, shall have his full costs or expenses; and any pecuniary penalty imposed by this act, not exceeding the sum of twenty pounds, and for the recovery whereof no provision is herein-before con-

tained, shall and may be recovered before any justice or justices of the peace for the county, stewartry, riding, division, city, town, or place, in which the same shall be incurred, or the person having incurred the same shall happen to be, in a summary way; and in case such last-mentioned penalty shall not be forthwith paid, such justice or justices shall, by warrant under his or their hand and seal or hands and seals, and directed to any constable or other peace officer, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale; and in case no sufficient distress can be had or made, such justice or justices shall commit the offender to the common gaol or house of correction for such county, stewartry, riding, division, city, borough, town, or place, there to remain, without bail or mainprize, for any time not exceeding six calendar months, nor less than three calendar months: provided always, that no person shall be prosecuted or sued for any pecuniary penalty imposed by this act, unless such prosecution shall be commenced, or such action shall be brought, within three calendar months next after such penalty shall have been incurred.

Application of penalties.

XXXIV. And be it further enacted, That all pecuniary penalties and forfeitures imposed by this act, shall when recovered, either by action in any court or in a summary way before any justice, be applied and disposed of in manner hereinafter mentioned, that is to say, one moiety thereof to the plaintiff in any such action, or to the informer before any justice, and the other moiety thereof to his majesty, his heirs and successors.

Form of conviction.

XXXV. And be it further enacted, That the justice or justices of the peace by or before whom any offender shall be convicted under this act, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis;* that is to say,

"Be it remembered, That on this day of
"in the year of the reign of , A. B. of
" is duly convicted before [me, or us, as the case may
"be] of his majesty's justices of the peace for
" , in pursuance of an act passed in the sixtieth year of the reign of
"king George the third, intituled An Act [set forth the title of the act], for that
"the said A. B., after the passing the said act, on
"at , did contrary to the said act [here
"specify the offence against the act, as the case may be]; wherefore [I or we, as
"the case may be], the said do adjudge that the said
"A. B. do pay the sum of as a penalty for his said
"offence."

Limitation of Actions.

XXXVI. And be it further enacted, That any action and suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer, or other person or persons, in that part of Great Britain called England, or in Ireland, for any thing done or acted in pursuance of this act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and the venue in every such action or suit shall be laid in the proper county where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and if such action or suit shall be brought or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury shall find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their actions after appearance, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

Double costs.

Limitation of actions, &c. in Scotland.

XXXVII. And be it further enacted, That every action and suit which shall be brought or commenced against any person or persons in Scotland, for any thing done or acted in pursuance of this act, shall in like manner be commenced within six calendar months after the fact committed, and not afterwards, and shall be brought in the court of session in Scotland, and the defender or defenders may plead that the matter complained of was done in pursuance of this act, and may give this act and the special matter in evidence; and if such action or suit shall be brought or commenced after the time limited for bringing the same, then the same shall be dismissed; and in such case, or if the defender or defenders shall be assoilzied, or the pursuer or pursuers shall suffer the action or suit to fall asleep,

or a decision shall be pronounced against the pursuer or pursuers upon the relevancy, the defender or defenders shall have double costs or expenses, which he or they shall and may recover in such and the same manner as any defender can by law recover costs or expenses in other cases. Double costs.

XXXVIII. Provided always, and be it further enacted, That no person shall be prosecuted by virtue of this act, for any thing done or committed contrary to the provisions herein-before contained, unless the prosecution shall be commenced within six calendar months after the offence committed. Prosecutions to be commenced within six months after offences.

XXXIX. And be it further enacted, That this act may be altered, varied, or repealed, by any act to be passed in this present session of parliament. Act may be altered or repealed this session.

XL. And be it farther enacted, That this act shall commence and have effect within the city of London, and within twenty miles thereof, from the day next after the day of passing this act, and shall commence and have effect within all other parts of the kingdom, from the expiration of ten days next after the day of passing this act; and shall be and continue in force for five years from the day of passing this act, and until the end of the then next session of parliament. Commencement and continuance of the act.

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## No. V.—*Copy of the Blasphemous and Seditious Libels Bill.*

## 60 *Geo. III. Chap.* 8.

### An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels.

WHEREAS it is expedient to make more effectual provision for the punishment of blasphemous and seditious libels; be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, in every case in which any verdict or judgment by default shall be had against any person for composing, printing, or publishing any blasphemous libel, or any seditious libel, tending to bring into hatred or contempt the person of his majesty, his heirs or successors, or the regent, or the government and constitution of the united kingdom as by law established, or either House of Parliament, or to excite his majesty's subjects to attempt the alteration of any matter in church or state as by law established, otherwise than by lawful means, it shall be lawful for the judge, or the court before whom or in which such verdict shall have been given, or the court in which such judgment by default shall be had, to make an order for the seizure and carrying away and detaining in safe custody, in such manner as shall be directed in such order, all copies of the libel which shall be in the possession of the person against whom such verdict or judgment shall have been had, or in the possession of any other person named in the order for his use; evidence upon oath having been previously given to the satisfaction of such court or judge, that a copy or copies of the said libel is or are in the possession of such other person for the use of the person against whom such verdict or judgment shall have been had as aforesaid; and in every such case it shall be lawful for any justice of the peace, or for any constable or other peace officer acting under any such order, or for any person or persons acting with or in aid of any such justice of the peace, constable, or other peace officer, to search for any copies of such libel in any house, building, or other place whatsoever belonging to the person against whom any such verdict or judgment shall have been had, or to any other person so named, in whose possession any copies of any such libel belonging to the person against whom any such verdict or judgment shall have been had, shall be; and in case admission shall be refused or not obtained within a reasonable time after it shall have been first demanded, to enter by force by day into any such house, building, or place whatsoever, and to carry away all copies of the libel there found, and to detain the same in safe custody until the same shall be restored under the provisions of this act, or disposed of according to any further order made in relation thereto. Court to make order for the seizure of copies of the libel in possession of the persons against whom verdicts shall have been had, &c.

II. And be it further enacted, That if in any such case as aforesaid, judgment shall be arrested, or if, after judgment shall have been entered, the same shall be reversed upon any writ of error, all copies so seized shall be forthwith returned to the person or persons from whom the same shall have been so taken as aforesaid, free of all charge and expence, and without the payment of any fees whatever; and in every case in which final judgment shall be entered upon the verdict so found Copies of libels so seized to be restored if judgment for defendant; otherwise to be disposed of as the court shall direct.

ing a right to vote for a member to serve in parliament for any city, borough, town or place, attending any meeting of such city, borough, town or place, which may be called by the mayor or other head officer.

Punishing persons attending meetings contrary to the provisions of this act.

V. And be it further enacted, That if any person shall knowingly and wilfully attend any meeting holden for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, upon the subject thereof, not being a freeholder, copyholder, heritor, or householder of or inhabitant usually residing in the county or riding, or division of the county, or the stewartry, within and for which the meeting shall be holden, when such meeting shall be holden for any county, riding, division or stewartry, or not being a freeman or member of the corporation, if the meeting be of any corporate body, or a householder of or inhabitant usually residing, or freeholder or copyholder having such estate as aforesaid, in the city, borough, or town corporate, parish or township (as the case may be), within and for which any such meeting shall be holden, and not being such member of the Commons House of Parliament, attending as aforesaid, such person being convicted thereof, shall be liable to be punished by fine and imprisonment, not exceeding twelve calendar months, at the discretion of the Court in which the conviction shall be had.

Allowing justices to resort to assemblies.

VI. And be it further enacted, That all justices of the peace, sheriffs and under sheriffs, mayors, and other head officers aforesaid, are hereby respectively authorized and empowered, within their respective jurisdictions, where any meeting or assembly shall be holden, or be proposed to be holden, for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution or address, upon the subject thereof, to proceed to the place where such meeting or assembly shall be holden, or shall be proposed to be holden, and there to do or order or cause to be done all such acts, matters, and things, as the case may require, which they are hereby enabled to do, or to order to be done, or which they are otherwise by law enabled or entitled to do, or to order to be done; and it shall be lawful for all justices of the peace, sheriffs, under sheriffs, mayors, and other head officers respectively as aforesaid, to require and take the assistance of any number of constables, or other officers of the peace, within the district or place wherein such meeting as hereinbefore mentioned shall be holden, or any other persons in their aid or assistance, when they shall deem such aid or assistance to be necessary and requisite.

Cases where meetings shall be deemed unlawful.

VII. And be it further enacted, That in case any meeting shall be holden in pursuance of any such notice as aforesaid, and such notice shall express or purport that any matter or thing by law established may be altered otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled; or shall tend to incite or stir up the people to hatred or contempt of the person of his majesty, his heirs or successors, or of the government and constitution of this realm, as by law established; every such meeting shall be deemed and taken to be an unlawful assembly.

Persons attending meetings contrary to this Act, to be required by proclamation to depart.

VIII. And be it further enacted, That if any person or persons shall attend any meeting whatever, holden for the purpose or on the pretext of deliberating upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution or address, upon the subject thereof, contrary to the provisions of this act, it shall be lawful for any one or more justice or justices of the peace in and for any county, or the sheriff or under sheriff of any county, or the mayor or other head officer, or any justice of the peace of any city or town corporate, within which any such meeting shall be held, to make or cause to be made proclamation in the king's name, in the form directed in this act, commanding every person so unlawfully attending any such meeting immediately and peaceably to depart therefrom; and if any person or persons so ordered to depart as aforesaid, shall not, upon such proclamation, depart from any such meeting within the space of a quarter of an hour after such proclamation made, that then and in every such case, every such person so continuing and not departing as aforesaid, shall, upon being thereof lawfully convicted, be adjudged to be guilty of felony, and shall be liable to be transported for any period not exceeding seven years.

Form of proclamation.

IX. And be it further enacted, That the order and form of the proclamation to be made as aforesaid, shall be as hereafter followeth (that is to say), the justice of

the peace or other person, or one of the justices of peace, or one of the other persons authorized by this act to make the said proclamation, shall, among the said persons assembled, or as near to them as he can safely come, with a loud voice, command or cause to be commanded silence to be, while proclamation is making; and after that shall openly, and with loud voice, make or cause to be made proclamation in these words, or to the like effect:

"Our sovereign lord the king chargeth and commandeth every person here
"assembled, who is not a [freeholder, heritor of freeman of
" Member of householder of
" or inhabitant usually residing, or freeholder in, or
"copyholder in , naming the county, riding, division, stewartry,
"city, borough, town, body corporate, parish, or township, as the case may be], or
"who is not entitled to attend this meeting, immediately to depart from this meet-
"ing to his lawful business. GOD save the King."

Persons not entitled to attend meetings, and not departing upon proclamation, may be carried before a justice.

X. And be it further enacted, that when any such proclamation as aforesaid shall have been made at any meeting, it shall be lawful for any person lawfully attending such meeting, to seize and apprehend any person not entitled to attend such meeting, who shall not upon the making of such proclamation forthwith depart, and to carry such person before any justice of the peace of the county, riding, division, stewartry, city, or town corporate, within which such meeting shall be held, to be dealt with according to law.

Punishing persons assembled contrary to this act, not dispersing after being required so to do, by proclamation.

XI. And be it further enacted, That it shall be lawful for any one or more, justice or justices of the peace in and for any county, or for the sheriff or under sheriff of any county, or for the mayor or other head officer, or any justice of the peace of any city or town corporate, within which any meeting shall be held, or persons shall assemble for the purpose of holding any meeting contrary to the provisions of this act, or where any person or persons not entitled to attend any meeting or assembly as aforesaid, shall refuse or neglect to depart therefrom for the space of a quarter of an hour after such proclamation made as aforesaid, to make or cause to be made proclamation in the king's name, in the manner and form hereinafter directed, to command all persons there assembled to disperse themselves, and peaceably to depart to their habitations, or to their lawful business; and if any such persons so assembled as aforesaid shall, to the number of twelve or more, notwithstanding such proclamation made, continue together by the space of half an hour after such proclamation made, that then and in every such case every person so continuing, being thereof legally convicted, shall be adjudged guilty of felony, and be liable to be transported for any term not exceeding seven years.

Form of proclamation.

XII. And be it further enacted, That the order and form of the proclamation to be made as aforesaid, shall be as hereafter followeth (that is to say); the justice or justices of the peace, or other person authorized by this act to make such proclamation, shall, among the said persons assembled, or as near to them as he can safely come, with a loud voice, command or cause to be commanded silence to be, while proclamation is making, and after that shall openly, and with loud voice, make or cause to be made proclamation in these words, or to the like effect:

"Our sovereign lord the king chargeth and commandeth all persons here
"assembled, immediately to disperse themselves, and peaceably to depart to
"their habitations, or to their lawful business. GOD save the King."

Justices at meetings on notice may order persons propounding or maintaining propositions for altering any thing by law established, except by authority of the King, Lords, and Commons, &c. to be taken into custody, &c.

XIII. And be it further enacted, That if one or more justice or justices of the peace present at any meeting requiring such notice as aforesaid, shall think fit to order any person or persons who shall attend such meeting in any manner contrary to the provisions of this act, or who shall at such meeting proceed to propound or maintain any proposition for altering any thing by law established, otherwise than by the authority of the King, Lords, and Commons, in Parliament assembled, or shall wilfully and advisedly make any proposition, or hold any discourse for the purpose of inciting and stirring up the people to hatred or contempt of the person of his majesty, his heirs or successors, or the government and constitution of this realm as by law established, to be taken into custody, to be dealt with according to law; and in case the said justice or justices, or any of them, or any peace officer acting under his or their or any of their orders, shall be forcibly obstructed in taking into custody any person or persons so ordered to be taken into custody, then and in such case it shall be lawful for any such justice or justices thereupon to make or cause to be made such proclamation as last aforesaid, in manner aforesaid; and if any persons, to the number of twelve or more, being required or commanded by such proclamation to disperse themselves, and peace-

Punishment of persons not departing after

proclamation made.

ably to depart as last aforesaid, shall, to the number of twelve or more, notwithstanding such proclamation made, remain or continue together by the space of half an hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more, after such command or request made by proclamation, shall be adjudged felony, and the offenders therein shall be adjudged felons, and shall be liable to be transported for any term not exceeding seven years.

Punishment of persons obstructing justices, &c.

XIV. And be it further enacted, That if any person or persons do or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any justice of the peace, or other person authorized as aforesaid, or any person acting in aid or assistance of any justice of the peace who shall attend or disperse any such meeting as aforesaid, or shall be going to attend or to disperse any such meeting, or any justice of the peace or peace officer, or any person or persons acting in aid or assistance of any justice of the peace or other officer who shall begin to proclaim, or be going or endeavouring to make any proclamation authorized or directed to be made under the provisions of this act, whereby such proclamation shall not be made; and also if any persons so being assembled as aforesaid, to whom any such proclamation as aforesaid should or ought to have been made, if the same had not been hindered as aforesaid, shall, to the number of twelve or more, continue together, and not disperse themselves within half an hour after such let or hindrance so made, having knowledge of such let or hindrance so made; and also if any person so being at any such assembly as aforesaid shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt any justice of the peace or other magistrate, or any peace officer or other person acting in their aid or assistance, in the arresting, apprehending, or taking into custody, or detaining, in execution of any of the provisions of this act, any person or persons, or endeavouring so to do, that then and in every such case every person so offending, being thereof legally convicted, shall be adjudged guilty of felony, and be liable to be transported for any term not exceeding seven years.

Justices, &c. indemnified in case of killing or maiming.

XV. And be it further enacted, That if the persons assembled at any meeting or assembly held contrary to the provisions of this act, or which shall become and be an unlawful assembly, under the provisions of this act, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, or endeavouring to disperse, or arresting or apprehending or detaining them, or any of them, or in the endeavouring so to do, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that every such justice of the peace, sheriff, under sheriff, mayor, head officer, magistrate, high or petty constable, or other peace officer, and all and singular persons being aiding and assisting to them, or any of them, shall be free, discharged, and indemnified, as well against the king's majesty, his heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons so continuing together as aforesaid, that shall happen to be so killed, maimed, or hurt as aforesaid.

Act not to extend to any meeting held in a private room.

XVI. Provided always, and be it further enacted, That nothing herein-before contained shall extend, or be construed to extend, to any meeting or assembly which shall be wholly holden in any room or apartment of any house or building; any thing herein-before contained to the contrary notwithstanding.

Act not to extend to meetings for returning members to parliament.

XVII. Provided also, and be it further enacted, That nothing in this act contained shall extend, or be construed to extend, to any meeting held in any county, stewartry, city, borough, town, or place, returning any member to serve in parliament, after the issuing and before the return of any writ for the election of any member to serve in parliament for such county, stewartry, city, borough, town, or place.

Persons not to attend meetings with arms, weapons, &c.

XVIII. And be it further declared and enacted, That it shall not be lawful for any person to attend, proceed to, or be present at any meeting whatsoever, which shall be holden for the purpose or on the pretext of deliberating upon, or proceeding to deliberate upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, on the subject thereof, armed with any gun, pistol, sword, dagger, pike, bludgeon, or other offensive weapon; and that every person who shall offend in the premises, shall, upon being convicted thereof, be fined and imprisoned for any term not exceeding two years, at the discretion of the Court before which such conviction shall be had: Provided always, that nothing herein contained shall extend, or be construed to extend, to any justice of the peace, sheriff, under sheriff, mayor, or other head officer aforesaid,

or to any peace officer, or to any other person or persons acting in their aid or assistance, who shall attend, proceed to, or be present at any such meeting as aforesaid.

Persons not to attend meetings with flags, banners, and other ensigns or emblems.

XIX. And be it further enacted, That it shall not be lawful for any person to attend, proceed to, or be present at, or return from any meeting whatever, which shall be holden for the purpose or on the pretext of deliberating upon, or proceeding to deliberate upon any public grievance, or upon any matter or thing relating to any trade, manufacture, business, or profession, or upon any matter in church or state, or of considering, proposing, or agreeing to any petition, complaint, remonstrance, declaration, resolution, or address, on the subject thereof, with any flag, banner, or ensign, or displaying or exhibiting any device, badge, or emblem, or with any drum or military or other music, or in military array or order; and that every person who shall offend in the premises, shall, upon being convicted thereof, be fined and imprisoned for any term not exceeding two years, at the discretion of the Court before which such conviction shall be had.

Sheriffs depute, &c. in Scotland, to have the same powers as magistrates in England.

XX. And be it further enacted, That the sheriffs depute and their substitutes, stewards depute and their substitutes, justices of the peace, magistrates of royal burghs, and all other inferior judges and magistrates, and also all high and petty constables, or other peace officers of any county, stewartry, city or town, within that part of the United Kingdom called Scotland, shall have such and the same powers and authorities for putting this present act in execution within Scotland, as the justices of the peace, and peace officers and constables aforesaid, respectively have, by virtue of this act, within and for other parts of the United Kingdom.

Justices at sessions may subdivide large parishes and Townships for all the purposes of this act.

XXI. And be it further enacted, That it shall be lawful for the justices of the peace, assembled at any quarter or general sessions of the peace, in any case in which they shall deem it expedient for the purpose of preventing tumultuous meetings, to divide any parish or township within their jurisdiction, having a population exceeding, in the judgment of the said justices, twenty thousand inhabitants, into two or more divisions, for all the purposes of this act, and to assign the boundaries of such divisions; and that a registry of such divisions so made, specifying and describing the boundaries so assigned, shall be entered with the clerk of the peace of the county, riding, or division within which such parish or township is situate, and a duplicate thereof shall be transmitted to the churchwardens and overseers of the poor, or to the minister and elders, or to the kirk session of the parish or township so divided, to be by them preserved and kept with the books of such parish or township, and copies thereof shall be put up, and from time to time (in case of the removal) replaced, upon the doors of the church of such parish or township; and when any such parish or township shall be so divided, each of such separate divisions shall, for all the purposes of this act be deemed a separate parish or township; and all the clauses, provisions, regulations, matters, and things, in this act contained, relating to any assemblies or meetings in parishes or townships, shall apply and be enforced, as to all such separate division of parishes or townships, as fully and effectually as if the same were severally and separately repeated and re-enacted in relation thereto: provided always, that no such division shall contain a population, which in the judgment of the said justices shall consist of less than ten thousand persons.

Extra-parochial places to be deemed parishes for the purposes of this act.

XXII. And be it further enacted, That every extra-parochial place shall be deemed and taken to be a parish or township, for all the purposes of this act; and all the clauses, provisions, regulations, matters and things in this act contained, relating to any assemblies or meetings in parishes or townships, shall apply and be enforced as to all extra-parochial places, as fully and effectually as if the same were severally and separately repeated and re-enacted in relation thereto.

Meetings may be held under this act in certain parishes in Westminster, within one mile of Westminster-hall gate, notwithstanding act of 57 G. 3, c. 19.

XXIII. And whereas by an act passed in the fifty-seventh year of the reign of his present majesty, intituled an act for the more effectually preventing seditious meetings and assemblies, certain regulations are enacted in relation to meetings in the city or liberties of Westminster, or county of Middlesex, which might prevent any meeting under the provisions of this act, in the parishes of Saint John and Saint Margaret, Westminster; be it therefore enacted, That it shall be lawful to hold any meetings in such parishes respectively, which may be held under the provisions of this act, within the distance of one mile from the gate of Westminster-hall, provided that the same shall not be held in Old or New Palace-yard at any time during the sitting of Parliament; any thing in the said recited act to the contrary notwithstanding.

Act not to legalize notices, meetings, &c.

XXIV. Provided always, and be it enacted and declared, That nothing herein contained shall be deemed or construed to render lawful any notice, or any

now contrary to law.

assembly or meeting, or any act or thing which may be done at any assembly or meeting in pursuance of any such notice, or the attendance of any person or persons, which notice, assembly, meeting act or attendance, would have been contrary to law if this act had not been made.

Offenders may be indicted, if not prosecuted under this act.

XXV. And be it further enacted, That nothing in this act contained shall extend to prevent any prosecution by indictment or otherwise, for any thing which may be an offence within the intent and meaning of this act, and which might have been so prosecuted if this act had not been made, unless the offender shall have been prosecuted for such offence under this act, and convicted or acquitted of such offence.

Places for lectures or debates, unless previously licensed, deemed to be disorderly places; and persons punishable for paying or receiving money.

XXVI. And whereas it is expedient that houses and places used for the purpose of publicly delivering lectures, or of holding debates should be regulated; be it therefore enacted, That every house, room, field, or other place, at or in which any person shall publicly read, or at or in which any lecture or discourse shall be publicly delivered, or any public debate shall be had, on any subject whatever, for the purpose of raising or collecting money, or any other valuable thing, from the persons admitted, or to which any person shall be admitted by payment of money, or by any ticket or token of any kind delivered in consideration of money, or any other valuable thing, or in consequence of paying or giving or having paid or given, or having agreed to pay or give, in any manner, any money or other valuable thing or where any money or other valuable thing, shall be received from any person admitted, either under pretence of paying for any refreshment or other thing, or under any other pretence, or for any other cause, or by means of any device or contrivance whatever, shall be deemed a disorderly house or place, unless the same shall have been previously licensed in manner hereinafter mentioned; and the person by whom such house, room, field, or place shall be opened or used, for any of the purposes aforesaid, shall forfeit the sum of one hundred pounds for every day or time that such house, room, field, or place shall be opened or used as aforesaid, to such person as will sue for the same, and be otherwise punished as the law directs in cases of disorderly houses; and every person managing or conducting the proceedings, or acting as moderator, president, or chairman, at such House, room, field, or place, so opened or used as aforesaid, or therein debating, publicly reading, or delivering any discourse or lecture; and also every person who shall pay, give, collect, or receive, or agree to pay, give, or receive any money or thing, for or in respect of the admission of any person into any such house, room, field or place, or shall deliver out, distribute, or receive any such ticket or tickets, or token or tokens as aforesaid, knowing such house, room, field or place to be opened or used for any such purpose as aforesaid, shall for every such offence forfeit the sum of twenty pounds.

Penalty on persons by whom such places shall be opened.

Prosecuting masters of such places.

XXVII. And be it farther enacted, That every person who shall at any time hereafter appear, act, or behave him or herself as master or mistress, or as the person having the command, government, or management of any such house, room, field, or place as aforesaid, shall be deemed and taken to be a person by whom the same is opened or used as aforesaid, and shall be liable to be sued or prosecuted, and punished as such, notwithstanding he or she be not in fact the real owner or occupier thereof.

Magistrates may demand admission to unlicensed places:

XXVIII. And be it further enacted, That it shall be lawful for any justice or justices of the peace of any county, stewartry, city, borough, town, or place, who shall by information upon oath have reason to suspect that any house, room, field, or place, or any parts or part thereof, are or is opened or used for the purpose of publicly reading or delivering lectures or discourses, or for public debate, contrary to the provisions of this act, to go to such house, room, field, or place, and demand to be admitted therein, and in case such justice or justices shall be refused admittance to such house, room, field, or place, or any part thereof, the same shall be deemed a disorderly house or place, within the intent and meaning of this act; and all and every the provisions herein-before contained respecting any house, room, field, or place herein-before declared to be a disorderly house or place, shall be applied to such house, room, field, or place, where such admittance shall have been refused as aforesaid; and every person refusing such admittance shall forfeit the sum of twenty pounds.

Penalty for refusal, 20l.

Justices may license places for lectures, &c.

XXIX. Provided nevertheless, and be it further enacted, That it shall be lawful for two or more justices of the peace for the county, riding, division, stewartry, city, borough, town, or place, where any house, room, or other buildings shall be intended to be opened for any of the purposes aforesaid, by writing under their hands and seals, at the quarter or general sessions of the peace, or at any special session to be held for the particular purpose, to grant a licence to any person or

persons desiring the same, to open such house, room, or other building for the purpose of delivering, for money, any such public reading, lectures, or discourses as aforesaid, or for the purpose of holding debates on any subjects, the same being clearly expressed in such license, for which license a fee of one shilling and no more shall be paid; and the same shall be in force for the space of one year and no longer, or for any less space of time therein to be specified; and which license it shall be lawful for the justices of the peace of the same county, stewartry, city, borough, town, or place, at any general quarter or general sessions of the peace, to revoke and declare void and no longer in force, by any order of such justices, a copy whereof shall be delivered to or served upon the person to whom the said license so revoked shall have been granted, or shall be left at the house, room, or building for which such licence shall have been granted; and thereupon such license shall cease and determine, and be thenceforth utterly void and of no effect.

Justices may inspect licensed places:

XXX. Provided always, and be it enacted, That it shall be lawful for any justice or justices of the peace of any county, stewartry, city, borough, town, or place, where any such house, room, or other building shall be licensed, as herein provided, to go to such house, room, or building so licensed, at the time of any such public reading, or delivering any such lecture or discourse, or of holding any debate therein as aforesaid, or at the time appointed for any such public reading, or delivering any such lecture or discourse, or of holding any debate, and demand to be admitted therein; and in case such justice or justices shall be refused admittance to such house, room, or building, the same shall be deemed, notwithstanding any such license as aforesaid, a disorderly house or place within the meaning of this act; and all and every the provisions herein-before contained respecting any house, room, field, or place, herein-before declared to be a disorderly house or place, shall be applied to such house, room, or building so licensed as aforesaid, where such admittance shall have been refused as aforesaid; and every person refusing such admittance shall forfeit the sum of twenty pounds to any person who shall sue for the same.

Penalty for refusing admittance, 20l.

Lectures at the universities, inns of court, Gresham college, &c. excepted.

XXXI. Provided always, and be it enacted, That nothing in this act contained shall extend or be construed to extend to any lecture or discourses to be delivered in any of the Universities of the united kingdom, by any member thereof, or any person authorized by the chancellor, vice-chancellor or other proper officers of such Universities respectively; or to any public reading, or lecture or discourse, to be delivered in the public hall of any of the inns of court or chancery, by any person authorized by the benchers of the inns of court; or by the professors in Gresham College; or to the professors in the college established for the education of the civil servants of the East India Company, or the seminaries established for the education of their military service; or to any society or body of men incorporated or established by royal charter, or by authority of parliament; and that no payment made to any schoolmaster, or other person by law allowed to teach and instruct youth, in respect of any public readings, or lectures or discourses, delivered by such schoolmaster or other person, for the instruction only of such youth as shall be committed to his instruction, shall be deemed a payment of money for admission to public readings, or such lectures or discourses, within the intent and meaning of this act.

Forfeiture of licence in case of seditious or immoral lectures.

XXXII. Provided also, and be it enacted, That it shall be lawful for any two justices of the peace, acting for any county, stewartry, riding, division, city, town, or place, upon evidence on oath that any house, room, or place so licensed and opened as aforesaid, is commonly used for the purpose of public reading or delivering lectures or discourses of a seditious, irreligious, or immoral tendency, to adjudge and declare the license for opening the same to have been forfeited; and such license shall thereupon cease and determine, and shall thenceforth be utterly void and of no effect.

Recovery of penalties.

XXXIII. And be it further enacted, That all or any of the pecuniary fines, penalties, or forfeitures, exceeding the sum of twenty pounds, incurred under this act in that part of Great Britain called England, or in Ireland, may be recovered by action of debt in any of his majesty's courts of record at Westminster and Dublin respectively, and in Scotland in the court of session there; and it shall be sufficient to declare in that part of Great Britain called England, and in Ireland, or conclude in Scotland, that the defendant or defender is indebted to the plaintiff or pursuer in the sum of (being the sum demanded by the said action), being forfeited by an act made in the sixtieth year of the reign of his present majesty, intituled An Act [here insert the title of this act]; and the plaintiff or pursuer, if he shall recover in such action, shall have his full costs or expenses; and any pecuniary penalty imposed by this act, not exceeding the sum of twenty pounds, and for the recovery whereof no provision is herein-before con-

tained, shall and may be recovered before any justice or justices of the peace for the county, stewartry, riding, division, city, town, or place, in which the same shall be incurred, or the person having incurred the same shall happen to be, in a summary way; and in case such last-mentioned penalty shall not be forthwith paid, such justice or justices shall, by warrant under his or their hand and seal or hands and seals, and directed to any constable or other peace officer, cause the same to be levied by distress and sale of the offender's goods and chattels, together with all costs and charges attending such distress and sale; and in case no sufficient distress can be had or made, such justice or justices shall commit the offender to the common gaol or house of correction for such county, stewartry, riding, division, city, borough, town, or place, there to remain, without bail or mainprize, for any time not exceeding six calendar months, nor less than three calendar months: provided always, that no person shall be prosecuted or sued for any pecuniary penalty imposed by this act, unless such prosecution shall be commenced, or such action shall be brought, within three calendar months next after such penalty shall have been incurred.

Application of penalties.

XXXIV. And be it further enacted, That all pecuniary penalties and forfeitures imposed by this act, shall when recovered, either by action in any court or in a summary way before any justice, be applied and disposed of in manner hereinafter mentioned, that is to say, one moiety thereof to the plaintiff in any such action, or to the informer before any justice, and the other moiety thereof to his majesty, his heirs and successors.

Form of conviction.

XXXV. And be it further enacted, That the justice or justices of the peace by or before whom any offender shall be convicted under this act, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the like effect, *mutatis mutandis;* that is to say,

"Be it remembered, That on this day of
"in the year of the reign of , A. B. of
" is duly convicted before [me, or us, as the case may
"be] of his majesty's justices of the peace for
" , in pursuance of an act passed in the sixtieth year of the reign of
"king George the third, intituled An Act [set forth the title of the act], for that
"the said A. B., after the passing the said act, on
"at , did contrary to the said act [here
"specify the offence against the act, as the case may be]; wherefore [I or we, as
"the case may be], the said do adjudge that the said
"A. B. do pay the sum of as a penalty for his said
"offence."

Limitation of Actions.

XXXVI. And be it further enacted, That any action and suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer, or other person or persons, in that part of Great Britain called England, or in Ireland, for any thing done or acted in pursuance of this act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and the venue in every such action or suit shall be laid in the proper county where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and if such action or suit shall be brought or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury shall find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their actions after appearance, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

Double costs.

Limitation of actions, &c. in Scotland.

XXXVII. And be it further enacted, That every action and suit which shall be brought or commenced against any person or persons in Scotland, for any thing done or acted in pursuance of this act, shall in like manner be commenced within six calendar months after the fact committed, and not afterwards, and shall be brought in the court of session in Scotland, and the defender or defenders may plead that the matter complained of was done in pursuance of this act, and may give this act and the special matter in evidence; and if such action or suit shall be brought or commenced after the time limited for bringing the same, then the same shall be dismissed; and in such case, or if the defender or defenders shall be assoilzied, or the pursuer or pursuers shall suffer the action or suit to fall asleep,

or a decision shall be pronounced against the pursuer or pursuers upon the relevancy, the defender or defenders shall have double costs or expenses, which he or they shall and may recover in such and the same manner as any defender can by law recover costs or expenses in other cases.

Double costs.

XXXVIII. Provided always, and be it further enacted, That no person shall be prosecuted by virtue of this act, for any thing done or committed contrary to the provisions herein-before contained, unless the prosecution shall be commenced within six calendar months after the offence committed.

Prosecutions to be commenced within six months after offences.

XXXIX. And be it further enacted, That this act may be altered, varied, or repealed, by any act to be passed in this present session of parliament.

Act may be altered or repealed this session.

XL. And be it farther enacted, That this act shall commence and have effect within the city of London, and within twenty miles thereof, from the day next after the day of passing this act, and shall commence and have effect within all other parts of the kingdom, from the expiration of ten days next after the day of passing this act; and shall be and continue in force for five years from the day of passing this act, and until the end of the then next session of parliament.

Commencement and continuance of the act.

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## No. V.—*Copy of the Blasphemous and Seditious Libels Bill.*

## 60 *Geo. III. Chap.* 8.

### An Act for the more effectual Prevention and Punishment of blasphemous and seditious Libels.

WHEREAS it is expedient to make more effectual provision for the punishment of blasphemous and seditious libels; be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, in every case in which any verdict or judgment by default shall be had against any person for composing, printing, or publishing any blasphemous libel, or any seditious libel, tending to bring into hatred or contempt the person of his majesty, his heirs or successors, or the regent, or the government and constitution of the united kingdom as by law established, or either House of Parliament, or to excite his majesty's subjects to attempt the alteration of any matter in church or state as by law established, otherwise than by lawful means, it shall be lawful for the judge, or the court before whom or in which such verdict shall have been given, or the court in which such judgment by default shall be had, to make an order for the seizure and carrying away and detaining in safe custody, in such manner as shall be directed in such order, all copies of the libel which shall be in the possession of the person against whom such verdict or judgment shall have been had, or in the possession of any other person named in the order for his use; evidence upon oath having been previously given to the satisfaction of such court or judge, that a copy or copies of the said libel is or are in the possession of such other person for the use of the person against whom such verdict or judgment shall have been had as aforesaid; and in every such case it shall be lawful for any justice of the peace, or for any constable or other peace officer acting under any such order, or for any person or persons acting with or in aid of any such justice of the peace, constable, or other peace officer, to search for any copies of such libel in any house, building, or other place whatsoever belonging to the person against whom any such verdict or judgment shall have been had, or to any other person so named, in whose possession any copies of any such libel belonging to the person against whom any such verdict or judgment shall have been had, shall be; and in case admission shall be refused or not obtained within a reasonable time after it shall have been first demanded, to enter by force by day into any such house, building, or place whatsoever, and to carry away all copies of the libel there found, and to detain the same in safe custody until the same shall be restored under the provisions of this act, or disposed of according to any further order made in relation thereto.

Court to make order for the seizure of copies of the libel in possession of the persons against whom verdicts shall have been had, &c.

II. And be it further enacted, That if in any such case as aforesaid, judgment shall be arrested, or if, after judgment shall have been entered, the same shall be reversed upon any writ of error, all copies so seized shall be forthwith returned to the person or persons from whom the same shall have been so taken as aforesaid, free of all charge and expence, and without the payment of any fees whatever; and in every case in which final judgment shall be entered upon the verdict so found

Copies of libels so seized to be restored if judgment for defendant; otherwise to be disposed of as the court shall direct.

against the person or persons charged with having composed, printed, or published such libel, then all copies so seized shall be disposed of as the court in which such judgment shall be given shall order and direct.

Court of Justiciary in Scotland to make order for seizing copies of libels, &c.

III. Provided always, and be it enacted, That in Scotland, in every case in which any person or persons shall be found guilty before the court of justiciary, of composing, printing, or publishing any blasphemous or seditious libel, or where sentence of fugitation shall have been pronounced against any person or persons, in consequence of their failing to appear to answer to any indictment charging them with having composed, printed, or published any such libel, then and in either of such cases, it shall and may be lawful for the said court to make an order for the seizure, carrying away, and detaining in safe custody, all copies of the libel in the possession of any such person or persons, or in the possession of any other person or persons named in such order, for his or their use, evidence upon oath having been previously given to the satisfaction of such court or judge, that a copy or copies of the said libel is or are in the possession of such other person for the use of the person against whom such verdict or judgment shall have been had as aforesaid; and every such order so made shall and may be carried into effect, in such and the same manner as any order made by the court of justiciary, or any circuit court of justiciary, may be carried into effect according to the law and practice of Scotland: provided always, that in the event of any person or persons being reponed against any such sentence of fugitation, and being thereafter acquitted, all copies so seized shall be forthwith returned to the person or persons from whom the same shall have been so taken as aforesaid; and in all other cases, the copies so seized shall be disposed of in such manner as the said court may direct.

Punishment of persons convicted of second offence.

IV. And be it further enacted, That if any person shall, after the passing of this act, be legally convicted of having after the passing of this act composed, printed, or published any blasphemous libel or any such seditious libel as aforesaid, and shall, after being so convicted, offend a second time, and be thereof legally convicted before any commission of Oyer and Terminer or Gaol Delivery, or in his majesty's court of King's-bench, such person may, on such second conviction, be adjudged, at the discretion of the court, either to suffer such punishment as may now by law be inflicted in cases of high misdemeanors, or to be banished from the united kingdom, and all other parts of his majesty's dominions, for such term of years as the court in which such conviction shall take place shall order.

Persons not departing within thirty days after sentence of banishment, may be conveyed out of his majesty's dominions.

V. And be it further enacted, That in case any person so sentenced and ordered to be banished as aforesaid, shall not depart from this united kingdom within thirty days after the pronouncing of such sentence and order as aforesaid, for the purpose of going into such banishment as aforesaid, it shall and may be lawful to and for his majesty to convey such person to such parts out of the dominions of his said majesty, as his majesty by and with the advice of his Privy Council shall direct.

Persons banished found at large within his majesty's dominions to suffer transportation.

VI. and be it further enacted, That if any offender who shall be so ordered by any such court as aforesaid to be banished in manner aforesaid, shall after the end of forty days from the time such sentence and order hath been pronounced, be at large within any part of the united kingdom, or any other part of his majesty's dominions, without some lawful cause, before the expiration of the term for which such offender shall have been so ordered to be banished as aforesaid, every such offender being so at large as aforesaid, being thereof lawfully convicted, shall be transported to such place as shall be appointed by his majesty, for any term not exceeding fourteen years; and such offender may be tried, either before any justices of Assize, Oyer and Terminer, Great Sessions, or Gaol Delivery, for the county, city, liberty, borough, or place where such offender shall be apprehended and taken, or where he or she was sentenced to banishment; and the clerk of assize, clerk of the peace, or other clerk or officer of the court having the custody of the records where such order of banishment shall have been made, shall, when thereunto required on his majesty's behalf, make out and give a certificate in writing, signed by him, containing the effect and substance only (omitting the formal part) of every indictment and conviction of such offender, and of the order for his or her banishment, to the justices of assize, Oyer and Terminer, Great Sessions, or Gaol Delivery, where such offender shall be indicted, for which certificate six shillings and eight-pence, and no more shall be paid, and which certificate shall be sufficient proof of the conviction and order for banishment of any such offender.

Certificate to be given of conviction of former libel.

VII. And be it further enacted, That the clerk of assize, clerk of the peace, or other clerk or officer of the court having the custody of the [illegible]ds where any offender shall have been convicted of having composed, [illegible] or published any blasphemous or seditious libel, shall, upon request of [illegible] tur on his majesty's behalf, make out and give a certificate in wri[illegible] him, containing

the effect and substance only (omitting the formal part) of every indictment and conviction of such offender, to the justices of assize, Oyer and Terminer, Great Sessions, or Gaol Delivery, where such offender or offenders shall be indicted for any second offence of composing, printing, or publishing any blasphemous or seditious libel, for which certificate six shillings and eight pence and no more shall be paid, and which certificate shall be sufficient proof of the conviction of such offender.

Limitation of actions.

VIII. And be it further enacted, That any action and suit which shall be brought or commenced against any justice or justices of the peace, constable, peace officer or other person or persons, within that part of Great Britain called England, or in Ireland, for any thing done or acted in pursuance of this act, shall be commenced within six calendar months next after the fact committed, and not afterwards; and the venue in every such action or suit shall be laid in the proper county where the fact was committed, and not elsewhere; and the defendant or defendants in every such action or suit may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon; and if such action or suit shall be brought or commenced after the time limited for bringing the same, or the venue shall be laid in any other place than as aforesaid, then the jury shall find a verdict for the defendant or defendants; and in such case, or if the jury shall find a verdict for the defendant or defendants upon the merits, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their actions after appearance, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, which he or they shall and may recover in such and the same manner as any defendant can by law in other cases.

General issue may be pleaded.

Double costs.

Limitation of actions, &c. in Scotland.

IX. And be it further enacted, That every action and suit which shall be brought or commenced against any person or persons in Scotland for any thing done or acted in pursuance of this act, shall in like manner be commenced within six calendar months after the fact committed, and not afterwards, and shall be brought in the court of session in Scotland; and the defender or defenders may plead that the matter complained of was done in pursuance of this act, and may give this act and the special matter in evidence; and if such action or suit shall be brought or commenced after the time limited for bringing the same, then the same shall be dismissed; and in such case, or if the defender or defenders shall be assoilzied, or the pursuer or pursuers shall suffer the action or suit to fall asleep, or a decision shall be pronounced against the pursuer or pursuers upon the relevancy, the defender or defenders shall have double costs, which he or they shall and may receive in such and the same manner as any defender can by law recover costs or expences in other cases.

Double costs.

Not to alter the law of Scotland in respect to punishment for libels.

X. Provided always, and be it further enacted, That nothing in this act contained shall be held or considered as in any respect altering the law or practice of Scotland regarding the punishment of persons convicted of composing, printing, publishing, or circulating any blasphemous or seditious libel.

Act may be repealed or altered this session.

XI. And be it further enacted, that this act may be repealed in the whole or in any part thereof, or in any manner altered or amended, during the present session of parliament.

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## No. VI.—*Copy of the Newspaper Stamp Duties Bill.* 60 *Geo. III. Chap.* 9.

### An Act to subject certain Publications to the Duties of Stamps upon Newspapers, and to make other Regulations for restraining the Abuses arising from the Publication of blasphemous and seditious Libels.

Subjecting certain printed pamphlets and papers to the stamp du-

WHEREAS pamphlets and printed papers containing observations upon public events and occurrences, tending to excite hatred and contempt of the government and constitution of these realms as by law established, and also vilifying our holy religion, have lately been published in great numbers, and at very small prices; and it is expedient that the same should be restrained: may it therefore please your majesty that it may be enacted: and be it enacted by the king's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after ten days after the passing of this act, all pamphlets and papers containing any public news, intelligence or occurrences, or any remarks or observations thereon, or upon any matter in church or state, printed in any part of the united kingdom for sale, and published periodically, or in parts or numbers

ties upon newspapers, and to the regulations of recited acts.

at intervals not exceeding twenty-six days between the publication of any two such pamphlets or papers, parts or numbers, where any of the said pamphlets or papers parts or numbers respectively, shall not exceed two sheets, or shall be published for sale for a less sum than sixpence, exclusive of the duty by this act imposed thereon, shall be deemed and taken to be newspapers within the true intent and meaning of an act of parliament passed in the thirty-eighth year of the reign of his present majesty, intituled "An act for preventing the mischiefs arising from the printing and publishing newspapers and papers of a like nature, by persons not known, and for regulating the printing and publication of such papers, in other respects;" and of another act of parliament, passed in the fifty-fifth year of the reign of his present majesty, intituled "An act to provide for the collection and management of stamp duties upon pamphlets, almanacks, and newspapers in Ireland;" and of another Act passed in the fifty-fifth year of the reign of his present majesty, intituled "An act for repealing the stamp office duties on advertisements, almanacks, newspapers, gold and silver plate, stage coaches, and licenses for keeping stage coaches, now payable in Great Britain; and for granting new duties in lieu thereof;" and of an act passed in the fifty-sixth year of the reign of his present majesty, intituled "An act to repeal the several stamp duties in Ireland, and also several acts for the collection and management of the said duties, and to grant new stamp duties in lieu thereof, and to make more effectual regulations for calculating and managing the said duties: and all other acts of parliament in force relating to newspapers; and be subject to such and the same duties of stamps, with such and the same allowances and discounts, as newspapers printed in Great Britain and Ireland respectively, now are subject unto under and by virtue of the said recited acts of parliament, and shall be printed, published, and distributed under and subject to all such and the like rules, regulations, restrictions, provisions, penalties and forfeitures, as are contained in the said recited acts, or either of them, or in any other act or acts of parliament now in force in Great Britain or Ireland respectively, relating to Newspapers printed, published, dispersed, or made public in the united kingdom; and the said recited acts of parliament, and all other acts of parliament now in force in Great Britain or Ireland respectively, relating to the printing, publishing, dispersing, or making public in Great Britain or Ireland respectively, any newspapers, or containing any regulations, relating thereto, and all the clauses, provisions, regulations, restrictions, penalties and forfeitures therein respectively contained, and in force at the passing of this act, shall (except where the same may be altered by this act) be applied and put in force in relation to all such pamphlets and printed papers aforesaid, as fully and effectually as if all such clauses, provisions, regulations, restrictions, penalties, and forfeitures were respectively, severally, and separately re-enacted in and made part of this act; and the said recited acts, and all other such acts of parliament as aforesaid, and this act, shall, as to all the purposes of carrying this act into execution, be construed as one act.

38 G. 3, c. 78.

55 G. 3, c. 80.

55 G. 3, c. 185.

56 G. 3, c. 56.

No quantity of paper less than 21 inches in length, and 17 in breadth, to be deemed a sheet.

II. And be it further enacted, That no quantity of paper less than a quantity equal to twenty-one inches in length, and seventeen inches in breadth, in whatever way or form the same may be made, or may be divided into leaves, or in whatever way the same may be printed, shall be deemed or taken to be a sheet of paper within the meaning and for the purposes of this act.

No cover or blank leaf to be deemed part of a pamphlet.

III. And be it further enacted, That no cover or blank leaf, or any other leaf upon which any advertisement or other notice shall be printed, shall, for the purposes of this act, be deemed or taken to be a part of any such pamphlet, paper, part or number aforesaid.

Publications at intervals exceeding 26 days, to be published on the first day of every calendar month, or within two days before or after.

IV. And be it further enacted, That all pamphlets and papers containing any public news, intelligence, or occurrences, or any such remarks or observations as aforesaid, printed for sale, and published periodically, or in parts or numbers at intervals exceeding twenty-six days between any two such pamphlets or papers, parts or numbers, and which said pamphlets, papers, parts, or numbers respectively, shall not exceed two sheets, or which shall be published for sale at a less price than sixpence, shall be first published on the first day of every calendar month, or within two days before or after that day, and at no other time; and that if any person or persons shall first publish or cause to be published any such pamphlet, paper, part or number aforesaid, on any other day or time, he or they shall forfeit for every such offence the sum of twenty pounds.

Penalty 20l.

The price and day of publication to be printed on periodical publications, and penalty for

V. And be it further enacted, That upon every pamphlet or paper containing any public news, intelligence or occurrences, or any remarks or observations thereon, or upon any matter in church or state, printed in any part of the united kingdom for sale, and published periodically, or in parts or numbers, at intervals not exceeding twenty-six days between the publication of any two such pamphlets or papers,

parts or numbers, and upon every part or number thereof, shall be printed the full price at which every such pamphlet, paper, part or number shall be published for sale, and also the day on which the same is first published; and if any person shall publish any such pamphlet, paper, part, or number, without the said price and day being printed thereon, or if any person shall at any time within two months after the day of publication printed thereon as aforesaid, sell or expose to sale any such pamphlet, paper, part or number, or any portion or part of such pamphlet, paper, part or number, upon which the price so printed as aforesaid shall be six-pence, or above that sum, for a less price than the sum of six-pence, every such person shall for every such offence forfeit and pay the sum of twenty pounds.

omitting the same, 20l.

VI. Provided always, and be it further enacted, That nothing in this act contained shall extend or be construed to extend to subject any person publishing any pamphlet or paper to any penalty for any allowance in price made by the person for whom and on whose behalf, and for whose profit, benefit, or advantage, the same shall have been first published, to any bookseller or distributor, or other person to whom the same shall be sold for the purpose of retailing the same.

Not to extend to the allowance made to distributors who buy to retail.

VII. And be it further enacted, That all pamphlets and papers which are by this act declared to be subject to the stamp duties upon newspapers, shall be freed and discharged from all the stamp duties and regulations contained in any act of parliament relating to pamphlets.

Pamphlets liable to stamp duties freed from all regulations relating to pamphlets.

VIII. And be it further enacted, That no person, from and after thirty days after the passing of this act, shall print or publish for sale, any newspaper, or any pamphlet or other paper containing any public news, intelligence, or occurrences, or any remarks or observations thereon, or upon any matter in church or state, which shall not exceed two sheets, or which shall be published for sale at a less price than sixpence, until he or she shall have entered into a recognizance before a baron of the exchequer in England, Scotland, or Ireland respectively, as the case may be, if such newspaper or pamphlet, or other paper aforesaid, shall be printed in London or Westminster, or in Edinburgh or Dublin, or shall have executed in the presence of, and delivered to some justice of the peace for the county, city, or place where such newspaper, pamphlet, or other paper shall be printed, if printed elsewhere, a bond to his majesty, his heirs and successors, together with two or three sufficient sureties, to the satisfaction of the baron of the exchequer taking such recognizance, or of the justice of the peace taking such bond, every person printing or publishing any such newspaper or pamphlet or paper aforesaid, in the sum of three hundred pounds, if such newspaper, pamphlet, or paper shall be printed in London or within twenty miles thereof, and in the sum of two hundred pounds, if such newspaper, pamphlet, or paper shall be printed elsewhere in the united kingdom, and his or her sureties in a like sum in the whole, conditioned that such printer or publisher shall pay to his majesty, his heirs and successors, every such fine or penalty as may at any time be imposed upon or adjudged against him or her, by reason of any conviction for printing or publishing any blasphemous or seditious libel, at any time after the entering into such recognizance or executing such bond; and that every person who shall print or first publish any such newspaper, pamphlet, or other paper, without having entered into such recognizance, or executed and delivered such bond with such sureties as aforesaid, shall, for every such offence, forfeit the sum of twenty pounds.

No persons to print or publish newspapers, &c. or pamphlets, without entering into recognizance, or giving bond for securing fines upon conviction for libels.

Penalty 20l.

IX. Provided always, and be it further enacted, That in every case in which any surety or sureties in any such recognizance or bond shall have been required to pay and shall have paid the whole or any part of the sum for which he, she, or they shall have become surety; or in case any such surety or sureties shall become bankrupt, or be discharged under any insolvent act; then and in every such case the person for whom such surety or sureties shall have been bound, shall not print or publish any newspaper or pamphlet, or other paper aforesaid, until he or she shall, upon being required so to do by the commissioners of stamps for Great Britain and Ireland respectively, have entered into a new recognizance, or executed a new bond, with sufficient sureties, in the manner and to the amount aforesaid; and in case he or she shall print or publish any such newspaper or pamphlet, or other paper aforesaid, without having entered into such new recognizance, or executed such new bond as aforesaid, having been required so to do as aforesaid, he or she shall forfeit for every such offence the sum of twenty pounds.

If sureties pay any part of the money for which they are bound, or become bankrupt, new recognizance or bond with sureties must be given.

Penalty 20l.

X. Provided always, and be it further enacted, That if any surety or sureties shall be desirous of withdrawing from such recognizance or bond, it shall and may be lawful to and for him or them so to do, upon giving twenty days previous notice in writing to the said commissioners of stamps respectively, or to the distributor of stamps of and for the district where the printer or publisher for whom he or they is or are surety or sureties shall reside, and also to such printer or publisher; and

Sureties may withdraw from their recognizance upon giving notice.

that in any such case, every such surety or sureties, from and after the expiration of such notice, shall not be liable upon the said bond or recognizance, other than and except for any penalty or penalties before that time imposed or incurred, and for which he or they would otherwise have been liable under the said recognizance or bond; and that then and in every such case, the person for whom such surety or sureties shall have been bound, shall not print or publish any newspaper or pamphlet, or other paper aforesaid, until he or she shall have entered into a new recognizance, or executed a new bond, with sufficient sureties in the manner and to the amount aforesaid; and in case he or she shall print or publish any such newspaper or pamphlet, or other paper aforesaid, without having entered into such new recognizance or bond as aforesaid, he or she shall for every such offence forfeit the sum of twenty pounds.

New recognizance to be entered into.

Penalty 20l.

Bonds not to be subject to stamp duty.

XI. Provided always, and be it further enacted, That no such bond as aforesaid shall be subject or liable to any stamp duty; any thing in any act or acts of parliament to the contrary notwithstanding.

List of recognizances and bonds taken, to be transmitted to commissioners of stamps in England, Scotland, and Ireland respectively

XII. And be it further enacted, that lists of all the recognizances which shall have been entered into in the respective courts of exchequer in England, Scotland, or Ireland, shall, four times in each year, be transmitted to the commissioners managing the stamp duties in Great Britain and Ireland respectively, as the case may be, by the respective officers recording such recognizances in such respective courts; and all bonds executed under the provisions of this act, shall within ten days at the furthest after the execution thereof, be transmitted to the said commissioners respectively by the justices of the peace to whom the same shall have been respectively delivered.

Extending provisions of 38 G. 3, c. 78. and 56 G. 3, c. 56. relating to the delivery of newspapers, &c. to the commissioners of stamps, to this act:

XIII. And whereas the printer or publisher of any newspaper, and of any pamphlet and paper hereby enacted to be deemed and taken to be a newspaper, will, after the passing of this act, be bound, under and by virtue of the provisions contained in the said acts made and passed in the thirty-eighth and fifty-fifth years of his majesty's reign respectively, to deliver to the commissioners of stamps in Great Britain and Ireland respectively or or some distributor of stamps or other officer, on the day on which the same is published, or within a certain time afterwards, one of the newspapers, pamphlets, or papers so published, signed as in the said acts is respectively directed: and whereas it is expedient that the same or similar provisions and regulations should extend and be applied to all pamphlets and papers, whether published periodically or not, and which shall contain any public news, intelligence, or occurrence, or any remarks or observations thereon, or upon any matter in church or state, and which shall not exceed two sheets as aforesaid, or which shall be published for sale at a less price than sixpence; be it therefore enacted, that from and after ten days after the passing of this act, the printer or publisher of any pamphlet or other paper for sale, containing any public news, intelligence, or occurrences, or any remarks or observations thereon, or on any matter in church or state, shall, upon every day upon which the same shall be published, or within six days after, deliver to the commissioners of stamps for Great Britain and Ireland respectively, at their head offices, or to some distributor or officer to be appointed by them to receive the same, and whom they are hereby required to appoint for that purpose, one of the pamphlets or papers so published upon each such day, signed by the printer or publisher thereof, in his hand-writing with his name and place of abode; and the same shall be carefully kept by the said commissioners, or such distributor or officer as aforesaid, in such manner as the said commissioners shall direct; and such printer or publisher shall be entitled to demand and receive from the commissioners, or such distributor or officer, the amount of the retail price of such pamphlet or paper so delivered; and in every case in which the printer and publisher of such pamphlet or paper shall neglect to deliver one such pamphlet or paper in the manner hereinbefore directed, such printer and publisher shall, for every such neglect respectively, forfeit and lose the sum of one hundred pounds.

Penalty for neglect of delivery of pamphlet or paper, 100l.

Commissioners refusing to take any pamphlet or paper, to give, if required, certificate of such refusal.

XIV. Provided always, and be it further enacted, That in case the said commissioners, or such distributor or officer aforesaid, shall refuse to receive or pay for any copy of such pamphlet or paper offered to be delivered to them or him as aforesaid, for or on account of the same not being within the true intent and meaning of this act, such commissioners, distributor, or officer shall, if required so to do, give and deliver to such printer or publisher a certificate in writing that a copy of such pamphlet or paper had been by him duly offered to be delivered; and such printer or publisher shall thereupon be freed and discharged from any penalty for not having delivered such copy as aforesaid.

Penalty on persons selling papers not stamped, 20l.

XV. And be it further enacted, that if any person shall sell or expose to sale, any pamphlet or other paper not being duly stamped, if required to be stamped, such person shall, for every such offence, forfeit the sum of twenty pounds.

XVI. And be it declared and enacted, that it shall be lawful for any of his majesty's courts of record at Westminster or Dublin, or of great session in Wales, or any judge thereof respectively, or for any court of quarter or general sessions of the peace, or for any justice of the peace before whom any person charged with having printed or published any blasphemous, seditious, or malicious libel shall be brought for the purpose of giving bail upon such charge, to make it a part of the condition of the recognizance to be entered into by such person and his or her bail; that the person so charged shall be of good behaviour during the continuance of such recognizance.

Recognizance, in case of libel, to be of good behaviour, as well as to appear to answer.

XVII. And be it further enacted, That all fines, penalties and forfeitures by this act imposed, shall be recovered by action of debt, bill, plaint, or information in any of his majesty's courts of record at Westminster or Dublin, or the courts of Great Session in the principality of Wales, or the courts of the counties palatine of Chester, Lancaster, and Durham, or in the court of session or court of exchequer in Scotland (as the case shall require), wherein no essoign, privilege, protection, wager of law, or more than one imparlance shall be allowed; or before any two justices of the peace of the county, riding, stewartry, city, or place where the offence shall be committed: provided always, that no larger amount in the whole than one hundred pounds shall be recoverable or recovered before any justices of the peace, for any such penalties incurred in any one day; any thing in this act, or any other acts of parliament contained to the contrary notwithstanding.

Recovery of penalties.

XVIII. And be it further enacted, That it shall be lawful for any two or more justices of the peace in all cases in which they are authorized to hear and determine any offence or offences which shall be committed against this act, or any other act or acts of parliament which are by this act required to be construed therewith as part thereof, upon information exhibited or complaint made in that behalf, within three months after any such offence committed to summon the party accused, and also the witnesses on either side; and upon the appearance or contempt of the party accused in not appearing, to proceed to the examination of the witness or witnesses upon oath (which oath they are hereby empowered to administer), and to give judgment for the penalty or penalties incurred; and in case the party shall not immediately pay the said penalty or penalties to commit the offender to prison, there to remain for any time not exceeding six months, unless such pecuniary penalty or penalties shall be sooner paid and satisfied; and if any party shall find himself or herself aggrieved by the judgment of any such justices, then he, she, or they may, upon giving security to the amount or value of the penalty or penalties adjudged, together with such costs as may be awarded in case such judgment shall be affirmed, appeal to the justices of the peace at the next quarter or general sessions of the peace for the county, riding, division, or place, wherein such offence shall be committed, who are hereby empowered to summon and examine witnesses upon oath, and finally to hear and determine the same; and in case the judgment shall be affirmed, it shall be lawful for such justices to order the person or persons making such appeal, to pay such costs occasioned by such appeal, as to them shall seem meet; Provided nevertheless, that it shall and may be lawful for the said respective justices, where they shall see cause, to mitigate or lessen any such penalty or penalties, in such manner as they in their discretion shall think fit; the reasonable costs and charges of the officers or informers being always allowed over and above such mitigation; and so as such mitigation does not reduce the penalty to less than one fourth part thereof, over and above the said costs and charges.

Two or more justices to determine offences:

may mitigate penalties.

XIX. And be it further enacted, That if any person shall be summoned as a witness to give evidence before such justices of the peace touching any such offence, either on the part of the prosecutor or of the person or persons accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such his or her neglect or refusal, to be allowed of by the justices before whom the prosecution shall be depending, or appearing shall refuse to give evidence, then every such person shall forfeit for every such offence any sum not exceeding twenty pounds, to be levied and paid in such manner and by such means as is in this act directed as to other penalties.

Penalty on persons summoned as witnesses not appearing, &c.

XX. And be it further enacted, that the justices before whom any offender shall be convicted as aforesaid, shall cause the said conviction to be made out in the manner and form following, or in any other form of words to the like effect *mutatis mutandis*; that is to say,

Convictions to be made out in the following form.

"*County of* } Be it remembered, that on at *A. B*
*to wit.* } of was duly convicted before us,
"of his majesty's justices of the peace for in pursuance of an
"act passed in the sixtieth year of the reign of his present majesty, intituled an

" act [title of this act]; for that the said *A. B.* on the day of
" now last past, did [here state the offence, as the case may happen to be] con-
" trary to the form of the statute in that case made and provided; for which of-
" fence we do adjudge that the said *A. B.* hath forfeited the sum of £
" and [if the justices mitigate the penalty] which sum of
" we do hereby mitigate to the sum of given under our
" hands and seals, this day of

Order or convictions of justices not to be removed into any court, or the execution superseded.

XXI. And be it further enacted, that no order or conviction made in pursuance of this act by any justices of the peace, shall be removed by certiorari, adjourning or suspension into any court whatever; and that no writ of certiorari, adjourning, or suspension shall supersede execution or other proceedings upon any such order or conviction, but that execution and other proceedings shall be had thereupon, any such writ or writs or allowance thereof notwithstanding.

No actions for penalties shall be commenced but in the name of the attorney-general in England and Ireland, and advocate for Scotland, or some officer of the stamp duties.

XXII. And be it further enacted, that it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered or filed, any action, bill, plaint, or information in any of his majesty's courts, or before any justice or justices of the peace against any person or persons, for the recovery of any fine, penalty or forfeiture either incurred by virtue of this act, unless the same be commenced, prosecuted, entered, or filed in the name of his majesty's attorney-general in that part of Great Britain called England, or in the name of his majesty's attorney-general in Ireland, or his majesty's advocate for Scotland (as the case may be respectively), or in the name of the solicitor or some other officer of his majesty's stamp duties in that part of Great Britain called England, or in Scotland or Ireland respectively; and if any action, bill, plaint or information shall be commenced, prosecuted, entered, or filed in the name or names of any other person or persons than he or they in that behalf before mentioned, the same and every proceeding thereupon had, are hereby declared, and the same shall be null and void to all intents and purposes.

Duties to be under the management of the commissioners of stamps.

XXIII. And be it further enacted, That for the better and more effectually levying and collecting the said duties, the same shall be under the government, care, and management of the commissioners for the time being appointed in Great Britain and Ireland respectively, to manage the duties on stamped vellum, parchment, and paper; who, or the major part of them, in Great Britain and Ireland respectively, are hereby required and empowered to do all other things necessary to be done for putting this act into execution, with relation to the said duties hereby granted, in the like and in as full and ample a manner as they or the major part of them were authorized to put in execution any law or laws concerning stamped vellum, parchment, and paper.

Duties and discounts to be paid and allowed as former duties and discounts; and provisions of former acts to extend to this act.

XXIV. And be it further enacted, That the said duties shall be and are hereby made payable to his majesty, his heirs and successors; and the said duties and the several allowances, discounts, and sums of money, for or in respect of the same, shall and may be respectively raised, levied, collected, answered, paid, recovered, adjudged, accounted for, and applied and appropriated, mitigated and allowed, in such and the like manner, and in or by any or either of the general, or special ways, means, or methods, by which the duties upon newspapers, and discounts and allowances in respect thereof, under the management of the said commissioners of stamped vellum, parchment, or paper, are or may be raised, levied, collected, answered, paid, recovered, adjudged, mitigated and allowed; and the several persons and also all such pamphlets and papers, of what nature or kind soever, by this act made liable to the payment of duty, or entitled to any discount or allowance, shall be and the same are hereby made subject and liable to all and every the conditions regulations, rules, and restrictions, to which such persons and newspapers are generally or specially subject and liable by any act or acts of parliament in force before the passing of this act; and all and every pain, penalty, fine, or forfeiture for any offence whatever committed against or in breach of any act or acts of parliament now in force for securing the duties under the management of the said commissioners of stamped vellum, parchment, and paper, upon newspapers, or for the regulation or improvement of the said duties, and the several clauses, powers, provisions, directions, matters, and things therein contained, shall (except as the same or any of them are by this act altered or repealed) and are hereby directed and declared to extend to, and shall be respectively applied, practised, and put in execution for and in respect of the several duties charged, imposed, and allowed, in as full and ample a manner, to all intents and purposes whatsoever, as if all and every the said clauses, provisions, powers, restrictions, directions, fines, pains, penalties or, forfeitures, matters and things, were particularly repeated and re-enacted in the body of this act.

Application of duties.

XXV. And be it further enacted, that the monies arising from the duties hereby

granted shall be paid into the receipt of the exchequer at Westminster and Dublin respectively, and shall be carried to and made part of the consolidated fund of the United Kingdom of Great Britain and Ireland.

XXVI. Provided always, and be it further enacted, that nothing in this act shall extend to acts of parliament, proclamations, orders of council, forms of prayer and thanksgiving, and acts of state, ordered to be printed by his majesty, his heirs, or successors, or his or their sufficient and authorized officer; or to any printed votes or other matters by order of either House of Parliament; or to books commonly used in the schools of Great Britain or Ireland, or books or papers containing only matters of devotion, piety, or charity; or daily accounts; or bills of goods imported and exported; or warrants or certificates for the delivery of goods; and the weekly bills of mortality; or to papers containing any lists of prices current, or of the state of the markets, or any account of the arrival, sailing, or other circumstances relating to merchant ships or vessels; or of any other matter wholly of a commercial nature; provided such bills, lists or accounts do not contain any other matter than what hath been usually comprised therein; or to the printers or publishers of the foregoing matters, or any or either of them. Exceptions.

XXVII. Provided also, and be it further enacted, That nothing in this act contained shall extend or be construed to extend to charge with stamp duties any work reprinted and republished in parts or numbers, whether such work shall be wholly reprinted or shall be republished in an abridged form; provided that the work so reprinted and republished shall have been first printed and published two years at the least previous to such reprinting and republication, and provided the said work was not first published in any parts or numbers. Reprinted works republished in numbers not chargeable with stamp duty, &c.

XXVIII. And be it further enacted, that this act may be altered, amended, or repealed, by any act to be passed in the present session of parliament. Act may be repealed or altered this session.

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